UNIVERSITY OF PITTSBURGH

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Darlington Memorial Library

Massachusetts (Colony) Laws, statutes, etc.

THE

ACTS AND RESOLVES,

PUBLIC AND PRIVATE,

OF THE

PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT OF THE COMMONWEALTH FOR THE YEAR 1867.

VOLUME IV.

BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.
1890.

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ACTS,

PASSED 1757–58.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-fifth day of May, A. D. 1757.

CHAPTER 1.

AN ACT FOR ERECTING THE DISTRICT OF DANVERS INTO A TOWNSHIP BY THE NAME OF DANVERS.

Disallowed by the privy council, Aug. 10, 1759.

Preamble. 1751-52, chap. 14.

Whereas, in the twenty-fourth year of his present majesty's reign, the village parish and middle parish, so called, in the town of Salem, were erected into a district; and, by the act for their incorporation they were enjoined to do the duties that are enjoined on other towns and enjoy all the powers, priviledges and immunities that towns in this province by law enjoy, except that of seperately choosing and sending one or more representatives to represent them at the general assembly, which exception has been found burthensome and inconvenient,—

Be it therefore enacted by the Council and House of Representatives,

Danvers a township.

That the said district be and hereby is erected into a township by the name of Danvers, according to the boundaries of said district; and that the inhabitants of said district be and hereby are vested and endowed with all the powers, priviledges and immunities that the inhabitants of the towns within this province are or by law ought to be vested or endowed with. [*Passed and published June* 16.*

"With respect to the following Act pass'd in June 1757 and entitled
An Act for erecting the District of Danvers into a Township by the name of Danvers,
We beg leave to acquaint Your Lordships that the sole object of it is, as appears by the Preamble, to give the Township of Danvers the privilege of sending a Representative to the General Assembly: That this practice of erecting new Towns and vesting them with this privilege, having formerly by its frequency been found to produce many inconveniences and particularly that of continually increasing the number of Representatives, His Majesty was graciously pleased, in the year 1743, to give an Instruction to his Governor of the Massachusetts Bay forbidding him to give his assent to any Act of that nature, without a Clause therein inserted, suspending the execution of such Act, until it should receive His Majesty's Approbation. That Instruction has been continued to Thomas Pownall Esq^re His Majesty's present Governor, and as this Act has been passed in contradiction to the said Instruction, We are humbly of opinion that it should receive His Maj^ty's disapprobation."—*Report of the Board of Trade to the Lords of the Committee of the Privy Council, July* 31, 1759: "*Mass. Bay, B.T.,*" *vol.* 85, *p.* 11, *in Public-Record Office.*

* Signed June 9, according to the record.

CHAPTER 2.

AN ACT FOR APPORTIONING AND ASSESSING THE SUM OF EIGHTY-ONE THOUSAND THREE HUNDRED EIGHTY-SIX POUNDS THIRTEEN SHILLINGS AND FOURPENCE; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF THREE THOUSAND FIVE HUNDRED AND SEVENTY-ONE POUNDS FIFTEEN SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR SERVICE AND ATTENDANCE IN THE GENERAL COURT, AND FOR THEIR TRAVEL, AND FOR FINES LAID UPON TOWNS THAT HAVE SENT NO PERSONS TO REPRESENT THEM AT THE GENERAL COURT THIS YEAR.

1755-56, chap. 4, § 8.
1756-56, chap. 29, § 7.
1756-57, chap. 3, § 6.
1756-57, chap. 37, § 3.
1757-58, chap. 3, § 6.
1755-56, chap. 32, § 1.

WHEREAS the great and general court or assembly of this province did, at their session in May, one thousand seven hundred and fifty-five, levy a tax of fourteen thousand pounds; and in March, one thousand seven hundred and fifty-six, levy a tax of six thousand and three hundred pounds; and at their session in May following, did levy a further tax of thirty-two thousand pounds; and in April last did pass one other act for levying a tax of thirteen thousand five hundred pounds; and by said acts provision was made that the general court, at this present session, might apportion the same on the several towns, districts, parishes and places within the province, if they thought fit; *and whereas*, the general court, at this session, have levied a further tax of fifteen thousand and two hundred pounds, and a tax of three hundred eighty-six pounds thirteen shillings and fourpence upon the town of Sherburn on Nantucket for not sending twenty-nine men into the service, making, in the whole, eighty-one thousand three hundred eighty-six pounds thirteen shillings and fourpence; wherefore, for the ordering, directing and effectual drawing in the sum of eighty-one thousand three hundred eighty-six pounds thirteen shillings and fourpence; we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

And be it accordingly enacted by the Council and House of Representatives,

[SECT. 1.] That each town, district, parish or place within this province be assessed and pay, as such town, district, parish and place's proportion of the sum of eighty-one thousand three hundred and eighty-six pounds thirteen shillings and fourpence, and their representatives' pay and fines, the sum of three thousand five hundred and seventy-one pounds fifteen shillings, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Boston,	£89 8s. 0d.	£13,294 10s. 6d.	Thirteen thousand three hund. eighty-four pounds eighteen shillings and sixp.,	£13,383 18s. 6d.
Roxbury,	27 16 0	749 0 0	Seven hundred seventy-six pounds sixteen shillings,	776 16 0
Dorchester,	27 16 0	741 9 9	Seven hundred and sixty-nine pounds five shillings and ninepence,	769 5 9
Milton,	33 8 0	393 17 3	Four hundred twenty-seven pounds five shillings and threepence,	427 5 3
Braintree,	33 0 0	854 7 9	Eight hundred eighty-seven pounds seven shillings and ninepence,	887 7 9
Weymouth,	31 18 0	503 17 9	Five hundred thirty-five pounds fifteen shillings and ninepence,	535 15 9
Hingham,	32 12 0	886 19 0	Nine hundred nineteen pounds eleven shillings,	919 11 0
Dedham,	33 12 0	589 5 6	Six hundred twenty-two pounds seventeen shillings and sixpence,	622 17 6
Medfield,	0 0 0	364 10 0	Three hundred sixty-four pounds ten shillings,	364 10 0
Wrentham,	20 16 0	601 6 0	Six hundred twenty-two pounds two shillings,	622 2 0
Brookline,	23 4 0	226 16 0	Two hundred fifty pounds,	250 0 0
Needham,	42 2 0	299 0 6	Three hundred forty-one pounds two shillings and sixpence,	341 2 6
Stoughton,	34 16 0	531 9 0	Five hundred sixty-six pounds five shillings,	566 5 0
Medway,	36 10 0	299 0 6	Three hundred thirty-five pounds ten shillings and sixpence,	335 10 6
Bellingham,	0 0 0	116 2 0	One hundred and sixteen pounds two shillings,	116 2 0
Hull,	0 0 0	138 14 3	One hundred thirty-eight pounds fourteen shillings and threepence,	138 14 3
Walpole,	0 0 0	222 6 0	Two hundred twenty-two pounds six shillings,	222 6 0
Chelsea,	0 0 0	309 9 9	Three hundred and nine pounds nine shillings and ninepence,	309 9 9
	£466 18s. 0d.	£21,122 1s. 6d.		£21,588 19s. 6d.

IN THE COUNTY OF ESSEX.

Salem,	£32 8s. 0d.	£1,275 15s. 0d.	One thousand three hundred and eight pounds three shillings,	£1,308 3s. 0d.
Danvers,	34 16 0	709 8 6	Seven hundred forty-four pounds four shillings and sixpence,	744 4 6
Ipswich,	33 12 0	1,820 9 6	Eighteen hundred fifty-four pounds one shilling and sixpence,	1,854 1 6
Newbury,	36 4 0	2,343 5 3	Two thousand three hundred seventy-nine pounds nine shillings and threepence,	2,379 9 3
Marblehead,	64 16 0	1,390 3 3	Fourteen hundred fifty-four pounds nineteen shillings and threepence,	1,454 19 3
Lynn,	34 2 0	748 18 3	Seven hundred eighty-three pounds and threepence,	783 0 3
Andover,	29 12 0	1,027 13 9	One thousand and fifty-seven pounds five shillings and ninepence,	1,057 5 9

IN THE COUNTY OF ESSEX—*Continued.*

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
[illegible],	£26 16s. 0d.	£636 17s. 3d.	Six hundred and sixty-three pounds thirteen shillings and threepence,	£663 13s. 3d.
[illegible],	36 0 0	648 0 0	Six hundred and eighty-four pounds,	684 0 0
Salisbury,	36 0 0	509 12 6	Five hundred forty-five pounds twelve shillings and sixpence,	545 12 6
[illegible],	36 12 0	598 7 9	Six hundred thirty-four pounds nineteen shillings and ninepence,	634 19 9
[illegible],	39 12 0	1,050 8 3	One thousand and ninety pounds and threepence,	1,090 0 3
[illegible],	31 0 0	283 10 0	Three hundred and fourteen pounds ten shillings,	314 10 0
[illegible],	31 12 0	374 19 3	Four hundred and six pounds eleven shillings and threepence,	406 11 3
[illegible],	38 12 0	469 16 0	Five hundred and eight pounds eight shillings,	508 8 0
[illegible],	29 16 0	420 10 6	Four hundred and fifty pounds six shillings and sixpence,	450 6 6
[illegible],	0 0 0	238 5 6	Two hundred thirty eight pounds five shillings and sixpence,	238 5 6
[illegible],	0 0 0	211 12 3	Two hundred and eleven pounds twelve shillings and threepence,	211 12 3
[illegible],	0 0 0	170 8 9	One hundred and seventy pounds eight shillings and ninepence,	170 8 9
[illegible],	33 8 0	271 7 0	Three hundred and four pounds fifteen shillings,	304 15 0
	£595 18s. 0d.	£15,208 8s. 6d.		£15,804 6s. 6d.

IN THE COUNTY OF MIDDLESEX.

Cambridge,	£41 16s. 0d.	£565 13s. 0d.	Six hundred and seven pounds nine shillings,	£607 9s. 0d.
Charlestown,	27 16 0	731 18 6	Seven hundred fifty-nine pounds fourteen shillings and sixpence,	759 14 6
Watertown,	29 16 0	300 0 9	Three hundred twenty-nine pounds sixteen shillings and ninepence,	329 16 9
Woburn,	31 0 0	526 10 0	Five hundred fifty-seven pounds ten shillings,	557 10 0
Concord,	33 13 0	492 8 3	Five hundred twenty-six pounds one shilling and threepence,	526 1 3
Newton,	32 0 0	526 10 0	Five hundred fifty-eight pounds ten shillings,	558 10 0
Sudbury,	33 8 0	569 7 3	Six hundred and two pounds fifteen shillings and threepence,	602 15 3
Marlborough,	33 8 0	567 0 0	Six hundred pounds eight shillings,	600 8 0
Billerica,	34 0 0	332 2 0	Three hundred sixty-six pounds two shillings,	366 2 0
Framingham,	34 16 0	433 7 0	Four hundred sixty-eight pounds three shillings,	468 3 0
Lexington,	23 8 0	362 7 0	Three hundred and ninety pounds fifteen shillings,	390 15 0
Chelmsford,	33 16 0	324 0 0	Three hundred fifty-seven pounds sixteen shillings,	357 16 0
Sherburne,	0 0 0	223 15 3	Two hundred twenty-three pounds fifteen shillings and threepence,	223 15 3
Reading,	33 8 0	534 12 0	Five hundred sixty-eight pounds,	568 0 0
Malden,	26 0 0	426 12 0	Four hundred fifty-two pounds twelve shillings,	452 12 0
Weston,	34 0 0	239 8 9	Two hundred seventy-three pounds eight shillings and ninepence,	273 8 9

Medford,	£29	0s.	0d.	£419	10s.	3d.	Four hundred forty-eight pounds ten shillings and threepence,	£448	10s.	3d.
Littleton,	10	0	0	227	9	6	Two hundred thirty-seven pounds nine shillings and sixpence,	237	9	6
Hopkinston,	10	0	0	198	9	0	Two hundred and eight pounds nine shillings,	208	9	0
Westford,	38	14	0	218	14	0	Two hundred fifty-seven pounds eight shillings,	257	8	0
Shirley,	2	19	0	55	13	9	Fifty-eight pounds twelve shillings and ninepence,	58	12	9
Waltham,	6	8	0	280	2	6	Two hundred eighty-six pounds ten shillings and sixpence,	286	10	6
Townshend,	0	0	0	123	17	3	One hundred and twenty-three pounds seventeen shillings and threepence,	123	17	3
Stow,	0	0	0	198	9	0	One hundred and ninety-eight pounds nine shillings,	198	9	0
Stoneham,	0	0	0	142	1	9	One hundred forty-two pounds one shilling and ninepence,	142	1	9
Groton,	21	19	0	399	16	6	Four hundred twenty-one pounds fifteen shillings and sixpence,	421	15	6
Wilmington,	0	0	0	162	0	0	One hundred and sixty-two pounds,	162	0	0
Natick,	0	0	0	112	14	6	One hundred and twelve pounds fourteen shillings and sixpence,	112	14	6
Dracut,	0	0	0	159	6	0	One hundred and fifty-nine pounds six shillings,	159	6	0
Bedford,	0	0	0	185	19	3	One hundred eighty-five pounds nineteen shillings and threepence,	185	19	3
Holliston,	0	0	0	180	11	3	One hundred and eighty pounds eleven shillings and threepence,	180	11	3
Tewksbury,	0	0	0	159	6	0	One hundred fifty-nine pounds six shillings,	159	6	0
Acton,	0	0	0	117	9	0	One hundred and seventeen pounds nine shillings,	117	9	0
Dunstable,	0	0	0	151	1	9	One hundred and fifty-one pounds one shilling and ninepence,	151	1	9
Pepperrell,	7	10	0	127	16	0	One hundred and thirty-five pounds six shillings,	135	6	0
Lincoln,	26	0	0	223	17	0	Two hundred forty-nine pounds seventeen shillings,	249	17	0
	£654	15s.	0d.	£10,999	16s.	0d.		£11,654	11s.	0d.

IN THE COUNTY OF HAMPSHIRE.

Springfield,	£29	12s.	0d.	£788	8s.	0d.	Eight hundred and eighteen pounds,	£818	0s.	0d.
Northampton,	29	4	0	449	7	3	Four hundred and seventy-eight pounds eleven shillings and threepence,	478	11	3
Hatfield,	22	0	0	242	13	3	Two hundred sixty-four pounds thirteen shillings and threepence,	264	13	3
Westfield,	19	8	0	315	11	3	Three hundred thirty-four pounds nineteen shillings and threepence,	334	19	3
Enfield,	0	0	0	234	11	3	Two hundred thirty-four pounds eleven shillings and threepence,	234	11	3
Deerfield,	21	0	0	162	11	3	One hundred eighty-three pounds eleven shillings and threepence,	183	11	3
Sheffield,	49	0	0	349	19	9	Three hundred ninety-eight pounds nineteen shillings and ninepence,	398	19	9
Northfield,	0	0	0	84	14	3	Eighty-four pounds fourteen shillings and threepence,	84	14	3
Hadley,	28	10	0	271	4	0	Two hundred ninety-nine pounds fourteen shillings,	299	14	0
Suffield,	0	0	0	435	7	6	Four hundred thirty-five pounds seven shillings and sixpence,	435	7	6
Sunderland,	4	18	8	80	5	9	Eighty-five pounds four shillings and fivepence,	85	4	5

IN THE COUNTY OF HAMPSHIRE—*Continued.*

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Montague,	£4 18*s.* 8*d.*	£58 15*s.* 3*d.*	Sixty-three pounds thirteen shillings and elevenpence,	£63 13*s.* 11*d.*
Brimfield,	38 12 0	266 12 6	Three hundred and five pounds four shillings and sixpence,	305 4 6
Somers,	0 0 0	167 8 0	One hundred and sixty-seven pounds eight shillings,	167 8 0
Southampton,	10 4 0	72 15 0	Eighty-two pounds nineteen shillings,	82 19 0
South Hadley,	13 18 0	145 19 0	One hundred fifty-nine pounds seventeen shillings,	159 17 0
Palmer,	0 0 0	99 18 0	Ninety-nine pounds eighteen shillings,	99 18 0
Pelham,	0 0 0	85 1 0	Eighty-five pounds one shilling,	85 1 0
Bedford,	0 0 0	56 14 0	Fifty-six pounds fourteen shillings,	56 14 0
Coldspring,	0 0 0	56 14 0	Fifty-six pounds fourteen shillings,	56 14 0
Greenwich,	0 0 0	63 9 0	Sixty-three pounds nine shillings,	63 9 0
Brandford,	0 0 0	35 15 6	Thirty-five pounds fifteen shillings and sixpence,	35 15 6
New Salem,	4 18 8	40 10 0	Forty-five pounds eight shillings and eightpence,	45 8 8
New Marlborough,	0 0 0	60 15 0	Sixty pounds fifteen shillings,	60 15 0
No. One (in the line of towns),	0 0 0	40 10 0	Forty pounds ten shillings,	40 10 0
Ware River,	0 0 0	40 10 0	Forty pounds ten shillings,	40 10 0
Stockbridge,	0 0 0	81 0 0	Eighty-one pounds,	81 0 0
Roadtown,	0 0 0	33 15 0	Thirty-three pounds fifteen shillings,	33 15 0
Greenfield,	8 0 0	73 0 3	Eighty-one pounds and threepence,	81 0 3
	£284 4*s.* 0*d.*	£4,893 15*s.* 0*d.*		£5,177 19*s.* 0*d.*

IN THE COUNTY OF WORCESTER.

Worcester,	£27 0*s.* 0*d.*	£427 5*s.* 6*d.*	Four hundred fifty-four pounds five shillings and sixpence,	£454 5*s.* 6*d.*
Lancaster,	35 16 0	486 0 0	Five hundred twenty-one pounds sixteen shillings,	521 16 0
Mendon,	38 8 0	465 15 0	Five hundred and four pounds three shillings,	504 3 0
Woodstock,	0 0 0	523 16 0	Five hundred twenty-three pounds sixteen shillings,	523 16 0
Brookfield,	20 4 0	382 7 9	Four hundred and two pounds eleven shillings and ninepence,	402 11 9
Oxford,	28 4 0	194 0 6	Two hundred twenty-two pounds four shillings and sixpence,	222 4 6
Charlton,	9 0 0	64 10 0	Seventy-three pounds ten shillings,	73 10 0
Sutton,	31 8 0	371 11 9	Four hundred and two pounds nineteen shillings and ninepence,	402 19 9
Rutland,	23 0 0	267 19 6	Two hundred and ninety pounds nineteen shillings and sixpence,	290 19 6
New Braintree,	0 0 0	22 10 0	Twenty-two pounds ten shillings,	22 10 0
District of Rutland,	5 0 0	38 5 0	Forty-three pounds five shillings,	43 5 0
Leicester,	25 16 6	254 5 0	Two hundred and eighty pounds one shilling and sixpence,	280 1 6
District of Spencer,	12 5 6	127 2 6	One hundred thirty-nine pounds eight shillings,	139 8 0

Southborough,	£37	4s.	0d.	£208	18s.	3d.	Two hundred forty-six pounds two shillings and threepence,	£246	2s.	3d.
Westborough,	44	12	0	291	18	9	Three hundred thirty-six pounds ten shillings and ninepence,	336	10	9
Shrewsbury,	31	0	0	340	4	0	Three hundred seventy-one pounds four shillings,	371	4	0
Lunenburg,	36	12	0	285	3	9	Three hundred twenty-one pounds fifteen shillings and ninepence,	321	15	9
Uxbridge,	8	0	0	258	3	9	Two hundred sixty-six pounds three shillings and ninepence,	266	3	9
Harvard,	43	4	0	234	4	6	Two hundred seventy-seven pounds eight shillings and sixpence,	277	8	6
Dudley,	32	2	0	153	18	0	One hundred and eighty-six pounds,	186	0	0
Bolton,	41	12	0	233	11	0	Two hundred seventy-five pounds three shillings,	275	3	0
Upton,	0	0	0	128	18	6	One hundred twenty-eight pounds eighteen shillings and sixpence,	128	18	6
Sturbridge,	22	16	0	100	18	3	One hundred twenty-three pounds fourteen shillings and threepence,	123	14	3
Leominster,	0	0	0	121	10	0	One hundred twenty-one pounds ten shillings,	121	10	0
Hardwick,	0	0	0	149	17	0	One hundred forty-nine pounds seventeen shillings,	149	17	0
Holden,	0	0	0	76	19	0	Seventy-six pounds nineteen shillings,	76	19	0
Western,	0	0	0	117	9	0	One hundred and seventeen pounds nine shillings,	117	9	0
Douglass,	0	0	0	33	15	0	Thirty-three pounds fifteen shillings,	33	15	0
Grafton,	38	8	0	197	2	0	Two hundred thirty-five pounds ten shillings,	235	10	0
Petersham,	0	0	0	87	15	0	Eighty-seven pounds fifteen shillings,	87	15	0
Narraganset, No. Two,	0	0	0	50	0	0	Fifty pounds,	50	0	0
	£591	12s.	0d.	£6,695	14s.	3d.		£7,287	6s.	3d.

IN THE COUNTY OF PLYMOUTH.

Plymouth,	£27	0s.	0d.	£648	0s.	0d.	Six hundred and seventy-five pounds,	£675	0s.	0d.
Scituate,	36	4	0	891	0	0	Nine hundred twenty-seven pounds four shillings,	927	4	0
Duxbury,	31	8	0	293	12	6	Three hundred twenty-five pounds and sixpence,	325	0	6
Marshfield,	32	14	0	605	9	6	Six hundred thirty-eight pounds three shillings and sixpence,	638	3	6
Bridgwater,	23	0	0	1,030	1	0	One thousand and fifty-three pounds one shilling,	1,053	1	0
Middleborough,	29	12	0	739	9	3	Seven hundred sixty-nine pounds one shilling and threepence,	769	1	3
Rochester,	28	8	0	445	16	9	Four hundred seventy-four pounds four shillings and ninepence,	474	4	9
Plympton,	28	8	0	377	6	6	Four hundred and five pounds fourteen shillings and sixpence,	405	14	6
Pembrook,	34	12	0	381	2	8	Four hundred and fifteen pounds fourteen shillings and eightpence,	415	14	8
Kingston,	26	16	0	218	0	6	Two hundred forty-four pounds sixteen shillings and sixpence,	244	16	6
Hanover,	32	16	0	261	18	0	Two hundred ninety-four pounds fourteen shillings,	294	14	0
Abbington,	45	8	0	303	15	0	Three hundred forty-nine pounds three shillings,	349	3	0
Halifax,	0	0	0	166	12	7	One hundred sixty-six pounds twelve shillings and sevenpence,	166	12	7
Warham,	0	0	0	186	6	0	One hundred eighty-six pounds six shillings,	186	6	0
	£376	6s.	0d.	£6,548	10s.	3d.		£6,924	16s.	3d

IN THE COUNTY OF BARNSTABLE.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Barnstable,	£38 16*s.* 0*d.*	£567 0*s.* 0*d.*	Six hundred and five pounds sixteen shillings,	£605 16*s.* 0*d.*
Yarmouth,	31 2 0	371 5 0	Four hundred and two pounds seven shillings,	402 7 0
Sandwich,	39 16 0	405 0 0	Four hundred forty-four pounds sixteen shillings,	444 16 0
Eastham,	31 16 0	461 14 0	Four hundred ninety-three pounds ten shillings,	493 10 0
Harwich,	27 0 0	358 8 6	Three hundred eighty-five pounds eight shillings and sixpence,	385 8 6
Chatham,	0 0 0	203 10 3	Two hundred and three pounds ten shillings and threepence,	203 10 3
Truro,	0 0 0	218 7 3	Two hundred and eighteen pounds seven shillings and threepence,	218 7 3
Falmouth,	0 0 0	251 2 0	Two hundred fifty-one pounds two shillings,	251 2 0
	£168 10*s.* 0*d.*	£2,836 7*s.* 0*d.*		£3,004 17*s.* 0*d.*

IN THE COUNTY OF BRISTOL.

Taunton,	£33 4*s.* 0*d.*	£781 19*s.* 9*d.*	Eight hundred and fifteen pounds three shillings and ninepence,	£815 3*s.* 9*d.*
Rehoboth,	26 4 0	1,120 16 9	Eleven hundred forty-seven pounds and ninepence,	1,147 0 9
Swanzey, with Shawamet,	31 4 0	497 9 6	Five hundred twenty-eight pounds thirteen shillings and sixpence,	528 13 6
Dartmouth,	32 4 0	1,458 0 0	Fourteen hundred and ninety pounds four shillings,	1,490 4 0
Norton,	28 12 0	489 0 9	Five hundred and seventeen pounds twelve shillings and ninepence,	517 12 9
Attleborough,	35 2 0	533 18 6	Five hundred sixty-nine pounds and sixpence,	569 0 6
Dighton,	0 0 0	344 18 6	Three hundred forty-four pounds eighteen shillings and sixpence,	344 18 6
Freetown,	16 0 0	318 12 0	Three hundred thirty-four pounds twelve shillings,	334 12 0
Raynham,	0 0 0	205 17 6	Two hundred and five pounds seventeen shillings and sixpence,	205 17 6
Easton,	0 0 0	236 11 9	Two hundred thirty-six pounds eleven shillings and ninepence,	236 11 9
Berkley,	0 0 0	183 18 9	One hundred eighty-three pounds eighteen shillings and ninepence,	183 18 9
	£202 10*s.* 0*d.*	£6,171 3*s.* 9*d.*		£6,373 13*s.* 9*d.*

IN THE COUNTY OF YORK.

York,	£41 12s. 0d.	£793 2s. 6d.	Eight hundred and thirty-four pounds fourteen shillings and six-pence,	£834 14s. 6d.
Kittery,	33 8 0	931 10 0	Nine hundred sixty-four pounds eighteen shillings,	964 18 0
Wells,	21 4 0	356 8 0	Three hundred seventy-seven pounds twelve shillings,	377 12 0
Berwick,	35 2 0	486 0 0	Five hundred twenty-one pounds two shillings,	521 2 0
Falmouth,	18 4 0	769 10 0	Seven hundred eighty-seven pounds fourteen shillings,	787 14 0
Biddeford,	22 4 0	326 14 0	Three hundred forty-eight pounds eighteen shillings,	348 18 0
Arundel,	0 0 0	181 11 6	One hundred eighty-one pounds eleven shillings and sixpence,	181 11 6
Scarborough,	0 0 0	278 8 9	Two hundred seventy-eight pounds eight shillings and ninepence,	278 8 9
North Yarmouth,	0 0 0	121 3 3	One hundred twenty-one pounds three shillings and threepence,	121 3 3
Georgetown,	0 0 0	128 11 9	One hundred twenty-eight pounds eleven shillings and ninepence,	128 11 9
Brunswick,	0 0 0	115 15 3	One hundred and fifteen pounds fifteen shillings and threepence,	115 15 3
Sheepscut,	0 0 0	81 0 0	Eighty-one pounds,	81 0 0
	£171 14s. 0d.	£4,569 15s. 0d.		£4,741 9s. 0d.

IN THE COUNTY OF DUKES-COUNTY.

Edgartown,	£26 16s. 0d.	£281 2s. 9d.	Three hundred and seven pounds eighteen shillings and ninepence,	£307 18s. 9d.
Chilmark,	0 0 0	313 4 0	Three hundred and thirteen pounds four shillings,	313 4 0
Tisbury,	0 0 0	179 11 0	One hundred seventy-nine pounds eleven shillings,	179 11 0
	£26 16s. 0d.	£773 17s. 9d.		£800 13s. 9d.

IN NANTUCKET COUNTY.

	REPRESENTATIVES' PAY.	TAX FOR SOLDIERS.	PROVINCE TAX.	SUM TOTAL.	
Sherburne,	£32 12s. 0d.	£386 13s. 4d.	£1,180 11s. 6d.	Fifteen hundred ninety-nine pounds sixteen shillings and tenpence,	£1,599 16s. 10d.

	REPRESENTATIVES' PAY.	TAX FOR SOLDIERS.	PROVINCE TAX.	SUM TOTAL.	
Suffolk,	£466 18*s.* 0*d.*		£21,122 1*s.* 6*d.*	Twenty-one thousand five hund. eighty-eight pounds nine shillings and sixp.,	£21,588 19*s.* 6*d.*
Essex,	595 18 0		15,208 8 6	Fifteen thousand eight hundred and four pounds six shillings and sixpence,	15,804 6 6
Middlesex,	654 15 0		10,999 16 0	Eleven thousand six hundred fifty-four pounds eleven shillings,	11,654 11 0
Hampshire,	284 4 0		4,893 15 0	Five thousand one hundred seventy-seven pounds nineteen shillings,	5,177 19 0
Worcester,	591 12 0		6,695 14 3	Seven thousand two hundred eighty-seven pounds six shillings and threepence,	7,287 6 3
Plymouth,	376 6 0		6,548 10 3	Six thousand nine hundred twenty-four pounds sixteen shillings and threepence,	6,924 16 3
Barnstable,	168 10 0		2,836 7 0	Three thousand and four pounds seventeen shillings,	3,004 17 0
Bristol,	202 10 0		6,171 3 9	Six thousand three hundred seventy-three pounds thirteen shillings and ninep.,	6,373 13 9
York,	171 14 0		4,569 15 0	Four thousand seven hundred forty-one pounds nine shillings,	4,741 9 0
Dukes-County,	26 16 0		773 17 9	Eight hundred pounds thirteen shillings and ninepence,	800 13 9
Nantucket,	32 12 0	£386 13*s.* 4*d.*	1,180 11 0	Fifteen hundred ninety-nine pounds sixteen shillings and tenpence,	1,599 16 10
	£3,571 15*s.* 0*d.*	£386 13*s.* 4*d.*	£81,000 0*s.* 0*d.*		£84,968 8*s.* 4*d.*

And be it further enacted,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district or parish, or other place within this province that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, thirteen shillings and sixpence per poll, and proportionably in assessing the additional sum received out of the treasury for the payment of the representatives (excepting the governour, lieutenant-governour and their families, the president, fellows, professors and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as their estates, being in their own hands and under their actual management and improvement; as also all the estate pertaining to Harvard College), and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards publick charges, they may exempt their polls, or abate part of what they are set at, as in their prudence they shall think fit and judge meet. Rules for assessment.

[Sect. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county in proportion to their province rate, exclusive of what hath been paid out of the publick treasury to the representatives of each town for his service; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money or commissions of profit, in their improvement according to their understanding or cunning, one penny per pound; and to abate or multiply the same, if need be, so to make up the sum set and ordered hereby for such town, district, parish or other place to pay; and, in making their assessment, to estimate houses and land at six years' yearly rent whereat the same may be reasonably set or let for in the place where they lye: *saving* all contracts between landlord and tenant, and where no contract is, the landlord to reimburse one half of the tax set upon such houses and lands; and to estimate negro, Indian and mollatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; goats and sheep of one year old, at three shillings each: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty, and if as guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists, so perfected and signed

by them, or the major part of them, to commit to the collectors, constable or constables of such town, district, parish or other place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, some time before the last day of October next.

[SECT. 4.] And the treasurer for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector, or constable or constables of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue the accompts of the whole, at or before the thirty-first day of March next, which will be in the year of our Lord one thousand seven hundred and fifty-eight.

And be it further enacted,

Inhabitants to bring in a true list of their polls, &c.

[SECT. 5.] That the assessors of each town, district, parish or place, respectively, in convenient time, before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way to give or bring in to the assessors true and perfect lists of their polls, rateable estate, and income by trade and faculty, and gain by money at interest, which they are to render to the assessors on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place, where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering town assessments, to be paid in to the town, district or parish treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions for any abatement of the assessment laid on him or them.

[SECT. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he doth or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it further enacted,

[Sect. 7.] That when any person or persons, shall come and reside in any town within this province, and bring any merchandize and trade to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, tho' the former rate may have been finished, and a new one not perfected, as aforesaid. Transient traders to be rated.

And be it further enacted,

[Sect. 8.] That when any merchant, trader or factor shall set up a store and traffick, or carry on any trade or business in any town within this province, not being an inhabitant of such town, the assessors of such town, where such trade and business shall be carried on as aforesaid, be and are hereby impowered to rate and assess all such merchants, traders and factors, their goods and merchandizes for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions of this act; *provided* before any such assessors shall rate such persons as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district. Merchants, &c., to be rated for carrying on trade in any other town, beside where they dwell. Selectmen to transmit a list of such persons, before they are rated.

[Sect. 9.] And the constables or collectors are hereby enjoyned to levy and collect all such sums committed to them and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same. [*Passed June* 16.

CHAPTER 3.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF EIGHTY-FIVE THOUSAND POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLIC[K] DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Whereas the provision already made for defreying the expences of the late Crown Point expeditions is found insufficient, and no provision made by the general court for discharging the debts of the ensuing year,— Preamble. 1755-56, chap. 4, § 5; chaps. 13, 15, 18, 27, and 46. 1756-57, chaps. 3, 22, 29, and 37.

Be it enacted by the Council and House of Representatives,

[Sect. 1.] That the treasurer of the province be and he [is] hereby [*is*] impowered and directed to borrow from such person or persons as shall be willing to lend the same, a sum not exceeding eighty-five thousand pounds in mill'd dollars, at six shillings each, or in other silver at six shillings and eightpence per ounce; and the sum so borrowed shall be applied in manner as in this act is hereafter directed. Treasurer empowered to borrow £85,000

[Sect. 2.] And for fifteen thousand two hundred pounds, part of the sum so borrowed, the treasurer shall give his receipt in the form following:—

Province of the Massachusetts Bay, the day of . Form of treasurer's receipt.
Received of the sum of , for the use and service of the province of the Massachusetts Bay, and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or order, the first day of June [one thousand seven hundred and fifty-eight] [*1758*], the aforesaid sum of , in silver at six shillings and eightpence per ounce, or Spanish mill'd dol-

lars, at six shillings each, with interest annually, at the rate of six per cent per annum.
Witness my hand, H. G., Treasurer.

[SECT. 3.] And for the remaining sum of sixty-nine thousand eight hundred pounds, the treasurer shall give his receipt in the form following:—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of .
Received of the sum of , for the use and service of the province of the Massachusetts Bay, and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said , or order, the first day of June [one thousand seven hundred and sixty] [*1760*], the aforesaid sum of , in silver at six shillings and eightpence per ounce, or Spanish mill'd dollars, at six shillings each, with interest annually, at the rate of six per cent per annum.
Witness my hand, H. G., Treasurer.

—and no receipt shall be given for less than six pounds.

And be it further enacted,

£35,000 for the late Crown Point expeditions, &c.

[SECT. 4.] That the aforesaid sum of eighty-five thousand pounds, when received into the treasury, shall be issued out in the manner and for the purposes following; that is to say, thirty-five thousand pounds, part of the sum of eighty-five thousand pounds, shall be applied for the payment of the services of the late Crown Point expeditions still unpaid, and for defr[a][*e*]ying the expence that hath or shall arise for the raising and supplying the eighteen hundred men agreed to be raised by this government, employed in his majesty's service under the more immediate command of his excellency the Earl of Loudoun, commander-in-chief of his majesty's forces in North America, and also the wages of the officers and soldiers employed in said service; and the

£18,000 for forts and garrisons.

further sum of eighteen thousand pounds, part of the aforesaid sum of eighty-five thousand pounds, shall be applied for the service of the several forts and garrisons within this province, pursuant to such grants and orders as are or shall be made by this court for these purposes;

£7,000 for provisions, commissary's disbursements, &c.

and the further sum of seven thousand pounds, part of the aforesaid sum of eighty-five thousand pounds, shall be applied for purchasing provisions and the commissaries disbursements for the service of the several forts and garrisons within this province; and the further sum

£5,000 for premiums, &c.

of five thousand pounds, part of the aforesaid sum of eighty-five thousand pounds, shall be applied for the payment of such premiums and grants that now are or may hereafter be made by this court; and the

£5,000 for debts where there is no establishment, &c.

further sum of five thousand pounds, part of the aforesaid sum of eighty-five thousand pounds, shall be applied for the discharge of other debts owing from this province to persons that have served or shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose; and for paper, writing and printing for this court; and the

£4,500 for pay of councillors' and representatives' attendance.

further sum of four thousand five hundred pounds, part of the aforesaid sum of eighty-five thousand pounds, shall be applied for the payment of his majesty's council and house of representatives serving in the great and general court during the several sessions for the present year; and the further sum of six thousand two hundred and fifty pounds, part of the aforesaid [sum] of eighty-five thousand pounds, shall be applied to the discharge of the debts contracted by the committee of

£4,000 for vessels of war.

war; and the further sum of four thousand pounds, part of the aforesaid sum of eighty-five thousand pounds, shall be applied to the payment of the charge of maintaining the two vessels of war belonging to this province.

And whereas there are sometimes contingent and unforeseen charges that demand prompt pay,—

Be it further enacted,

[Sect. 5.] That the sum of two hundred and fifty pounds, being the remaining part of the aforesaid sum of eighty-five thousand pounds, be applied to pay such contingent charges, and for no other purpose whatever. £250 for contingent charges.

And in order to draw the money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon), by him given in pursuance of this act,—

Be it enacted,

[Sect. 6.] That there be and hereby is granted to his most excellent majesty a tax of eighty-five thousand pounds, to be levied on polls, and estates both real and personal within this province, in manner following; that is to say, fifteen thousand two hundred pounds, part thereof, according to such rules and in such proportions on the several towns and districts within the province, as shall be agreed on and ordered by the general court or assembly in their present session, and to be paid into the public[k] treasury on or before the last day of March then next after. Tax of £85,000 granted. Tax of £15,200, in 1757.

[Sect. 7.] And the further sum of sixty-nine thousand eight hundred pounds, according to such rules and in such proportion on the several towns and districts aforesaid, as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and fifty-nine, and to be paid into the treasury on or before the last day of March then next after. Tax of £69,800, in 1759.

And be it further enacted,

[Sect. 8.] That if the general court, in their present session, and in their session in May, one thousand seven hundred and fifty-nine, and some time before the twentieth day [of] June in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, apportioned, assessed and levied, that then, and in such case, each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sums as the said towns and districts were taxed by the general court in the tax act then last preceeding. Rule for apportioning the tax, in case no tax act shall be agreed on.

[Sect. 9.] And the province treasurer is hereby fully impowered and directed, some time in the month of June in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into [the] treasury at the aforementioned time; and the assessors, as also persons assessed, shall observe, be govern[e]'d by and subject to all such rules and directions as shall have been given in the last preceeding tax act.

And as a further fund to enable the treasurer to discharge said receipts and obligations by him given in pursuance of this act,— Further fund.

Be it enacted,

[Sect. 10.] That the duties of excise upon spirituous liquors, for the year seventeen hundred and fifty-eight, shall be applied for the payment and discharge of the principal and interest, that shall become due on said notes, and to no other purpose.

And be it further enacted,

[Sect. 11.] That the treasurer is hereby directed and ordered to pay the sum of eighty-five thousand pounds out of such appropriations The treasurer to conform to

the appropriations.

as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accompts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accompts, after payment thereof: *provided, always*, that the remainder of the sum which shall be brought into the treasury by the duties of excise before mentioned, and the tax of eighty-five thousand pounds ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever.

Proviso.

And be it further enacted,

Members' pay in government securities.

[SECT. 12.] That the members of his majesty's council and house of representatives, shall receive their pay for their travel and attendance in such of the government securities provided by this act as are payable the first day of June, one thousand seven hundred and sixty. [*Passed June* 13; *published June* 15.*

CHAPTER 4.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THREE THOUSAND FIVE HUNDRED POUNDS, AND FOR LENDING THE SAME TO THE TOWN OF BOSTON.

Preamble.

FORASMUCH as to the end and use in this act hereafter mentioned, this court have determined to supply the province treasury with the sum of three thousand five hundred pounds,—

Be it enacted by the Council and House of Representatives,

Treasurer empowered to borrow £3,500.

[SECT. 1.] That the treasurer of the province be and he hereby is impowered and directed to borrow of such person or persons as shall be willing to lend the same, a sum not exceeding three thousand five hundred pounds in mill'd dollars, at six shillings each, or in other silver at six shillings and eightpence per ounce.

[SECT. 2.] And for the sum so borrowed, the treasurer shall give his receipt in the form following; viz.,—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of , 175 . Received of the sum of , for the use and service of the province of the Massachusetts Bay, and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or order, the fifteenth day of June, 1760, the aforesaid sum of , in silver at six shillings and eightpence the ounce, or Spanish mill'd dollars, at six shillings each, with interest annually, at the rate of six per cent per annum.

Witness my hand, H. G., Treasurer.

—and no receipt shall be given for less than fifty pounds.

And in order to draw the money into the treasury again, and enable the treasurer to discharge the receipts and notes (with the interest due thereon), by him given pursuant to this act,—

Be it enacted,

Tax of £4,130, in 1759.

[SECT. 3.] That there be and hereby is granted to his most excellent majesty a tax of four thousand one hundred and thirty pounds, to be levied on polls, and estates both real and personal, according to

* June 17 in the printed acts.

such rules, and in such proportions, on the several towns and districts within the province, as shall be ordered by the general court at their session in May, one thousand seven hundred and fifty-nine, to be paid into province treasury on or before the thirty-first day of March then next after.

And be it further enacted,

Rule for apportioning the tax, in case no tax act shall be agreed on.

[Sect. 4.] That if the general court, at their session in May, one thousand seven hundred and fifty-nine, shall not, by the twentieth day of June, agree upon an act for apportioning the sum of four thousand one hundred and thirty pounds, which is engaged in said year to be apportioned, assessed and levied, that then, the treasurer of the province for the time being shall issue his warrants, to the selectmen or assessors of the several towns and districts within this province, requiring them, respectively, to assess, levy and pay into the treasury, by the said thirty-first day of March, their respective proportions of said sum, according to the rates and proportions, rules and directions, of the tax act then last preceeding.

Preamble.

And whereas the town of Boston have represented that they are greatly in arrears as to their necessary charges, and have humbly besought this court to lend them thirty-five hundred pounds,—

Be it enacted by His Majesty's Council and House of Representatives,

£3,500 lent the town of Boston.

[Sect. 5.] That the aforesaid sum of three thousand five hundred pounds, when the treasury shall be supplyed therewith, as above directed, shall be lent and delivered to the selectmen of the said town of Boston, to be applied to discharge the debts of the said town, as said town shall order.

And for securing the repayment of said sum of thirty-five hundred pounds, with the interest at the rate of six per cent per annum, to the province treasurer for the time being, in case, according to the true intent of this act, said town ought to be held to pay the same,—

It is hereby enacted and ordered,

Provision for the repayment of the sum of £4,130 in whole or part by the town of Boston, after a valuation of estates shall be taken through the province.

[Sect. 6.] That whenever the valuation shall be taken through this province, and each town and district's proportion thereby known and determined by the court, and be thereby ascertained that the town of Boston was not overrated for the year one thousand seven hundred and fifty-six, or any other year after, until the taking of the valuation, and ascertaining as aforesaid: *provided*, said determination shall be before the year one thousand seven hundred and sixty, and so not be intitled to any allowance, or no valuation taken or settled before said time, then the said town shall pay the whole sum of four thousand one hundred and thirty pounds; the treasurer, some time in the month of June, one thousand seven hundred and sixty, shall send forth his warrant, directed to the selectmen or assessors of said town of Boston, requiring them to assess the polls, and estates both real and personal, within the said town, for said sum of four thousand one hundred and thirty pounds, in their respective proportions, to be paid into the province treasury on or before the thirty-first of March then next after; and the assessors, and persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall be given in the last preceeding tax act; but in case a valuation shall be taken and settled before the year one thousand seven hundred and sixty, and thereby it shall appear the town of Boston is overrated the whole of said sum between the years one thousand seven hundred and fifty-five and one thousand seven hundred and sixty, and the treasurer of the province be certified thereof by the general court in their session in May, one thousand seven hundred and sixty, then, and in such case, the said treasurer is hereby forbid issuing his warrants to the selectmen or assessors of said town of Boston for the sum aforesaid; but if, upon a valuation being taken, and the

Treasurer directed in issuing his warrants of assessments.

proportions of the several towns being settled before the year one thousand seven hundred and sixty, it shall thereby appear that the said town of Boston have been overrated but only part of the aforesaid sum of four thousand one hundred and thirty pounds, then, and in such case, such part shall be remitted to them; and the treasurer shall issue his warrant for such remainder, agreable to the direction of the general court, at their session in May, one thousand seven hundred and sixty, requiring the selectmen or assessors of said town of Boston to assess the same in manner as aforesaid, to be paid into the treasury on or before the thirty-first day of March next after. And the assessors and persons assessed shall observe, be governed by, and subject to, all such rules and directions as shall be given in the last preceeding tax act.

Provided, nevertheless,—

Proviso.

[SECT. 7.] If a valuation shall be taken, and the several towns' proportion of the province tax settled, before the month of June, 1759, whereby it shall appear that the town of Boston is not overrated the whole or any part of the aforesaid sum, that then the said town shall be assessed for the whole or such part of said sum for which they shall so appear not to be overrated; and the treasurer, in such case, shall not issue his warrant to assess said sum upon the province in general, but upon the town of Boston only. [*Passed June* 15; *published June* 17.

CHAPTER 5.

AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS AND BEACHES LYING IN THE TOWNSHIP OF BARNSTABLE, ON THE SOUTH SIDE OF THE HARBOUR, CONTIGUOUS TO [TO] THE COMMON FIELDS IN SAID TOWN.

Preamble.

1747-48, chap. 5.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shoars adjoining to the late common fields in said Barnstable, between said fields and the harbour, whereby the ground is much broken and damnified and the sand blown on said meadows and uplands adjoining, to the great damage not only of private persons in their properties, but also to said town in general, so far as relates to said town's meadows appropriated to maintain a pound,—

Be it enacted by the Council and House of Representatives,

Persons forbidden to drive cattle on meadows and beaches in Barnstable.

[SECT. 1.] That during the continuance of this act, no person or persons shall presume to turn or drive any neat cattle or horse-kind, or sheep, or swine, to or upon any of the beaches, meadows or shoars that lye between the late common fields in said Barnstable, anywhere from Calves-Pasture Point, to Yarmouth line, round as the shoar goes,

Penalty.

upon the penalty of three shillings a head for neat cattle or horse-kind, and one shilling for each sheep and swine, that shall be turned and found on said beaches, meadows or shoars, within the limits aforesaid; which penalty shall be recovered by the selectmen or treasurer of the said town of Barnstable, or any other person that shall inform and sue for the same: the one half of the said forfeiture to him or them that shall inform and sue for the same, the other half to be to and for the use of the poor of the said town.

And be it further enacted,

Cattle to be impounded, in case.

[SECT. 2.] That if any neat cattle or horse-kind, or sheep, or swine, shall, at any time hereafter, be found feeding on the said beaches,

meadows or shoars, that l[i][y]e between the late common fields and the harbour, in said Barnstable, anywhere from Calves-Pasture Point to Yarmouth line, round as the shoar goes, that it shall and may be lawful for any person to impound the same, immediately giving notice to the owners, if known, otherwise to give public[k] notice thereof in the said town of Barnstable, and the two next adjoining towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear, he shall pay the sum of one shilling to the impounder, for each neat beast and horse-kind, and fourpence for each sheep and swine, and the reasonable cost of relieving them, besides the pound-keeper's fees. And if no owner appear within the space of six days to redeem the said cattle or horse-kind, sheep or swine so impounded, and to pay the costs and damages occasioned by impounding the same, then and in every such case the person or persons impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at public[k] vendue, and pay the cost and charges arising about the same (public[k] notice of the time and place of such sale, to be given in the said town of Barnstable and in the town of Yarmouth, forty-eight hours beforehand), and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse-kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding, and the other half to the use of the poor of the said town of Barnstable.

Cattle to be sold, in case.

And be it further enacted,

[Sect. 3.] That the said town of Barnstable, at their meeting in March, annually, for the choice of town officers, be authorized and impowered to chuse one or more meet person or persons whose duty it shall be to see this act observed, and to prosecute the breakers thereof, and who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay five shillings for the use of the poor of the said town of Barnstable; and upon such refusal, said town from time to time to proceed to a new choice of such officer or officers: and the said town of Barnstable, at a town-meeting warned for that purpose, may, at any time before March next, chuse such officers, who shall continue until[l] their annual meeting in March next.

Officers to be chosen to put this act in execution.

[Sect. 4.] This act to commence on the tenth day of June next, and to continue and be in force till the end of the session of the general court next following the twenty-fifth of March, one thousand seven hundred and sixty-seven, and no longer. [*Passed June* 4;* *published June* 17.

Limitation.

CHAPTER 6.

AN ACT TO PREVENT DAMAGE BEING DONE ON THE LANDS LYING IN THE TOWNSHIP OF YARMOUTH, CALLED NOBSCUSSET.

Whereas many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed on the beaches and shoars adjoining to said Nobscusset in said Yarmouth, lying between Black Earth, and Judah Howe's Range, as it runs into the sea, whereby the ground is much broken and damnified, and the sand blown on said land, to the

Preamble. 1749-50, chap. 15. 1754-55, chap. 29.

* Signed June 16, according to the record.

great damage not only of private persons in their properties, but also to the said town in general, so far as relates to said lands,—

Be it enacted by the Council and House of Representatives,

Persons forbidden to drive cattle on Nobscusset lands, &c.

[SECT. 1.] That during the continuance of this act, no person or persons shall presume to turn or drive any neat cattle or horse-kind, or sheep or swine, to or upon any of the beaches or lands lying between the s[*ai*]d Black Earth, and Judah Howe's Range, in said Yarmouth, from the first day of March to the last day of November, annually, upon

Penalty.

the penalty of three shillings a head for neat cattle and horse-kind, and one shilling for each sheep and swine, that shall be turned and found on said beaches or land, within the time and limits afores[*ai*]d; which penalty shall be recovered by the selectmen or treasurer of the said town of Yarmouth, or any other person that shall inform and sue for the same: the one half of the said forfeiture to him or them that shall inform and sue for the same, the other half to be to and for the use of the poor of the said town.

And be it further enacted,

Cattle to be impounded, in case.

[SECT. 2.] That if any neat cattle or horse-kind, or sheep or swine, shall, at any time hereafter, be found feeding on the said beaches or land, within the times aforesaid, that it shall and may be lawful for any person to impound the same, immediately giving notice to the owners, if known, otherwise to give public[k] notice thereof in the said town of Yarmouth, and the two next adjoining towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear, he shall pay the sum of one shilling to the impounder, for each neat beast and horse-kind, and fourpence for each sheep and swine, and the reasonable cost of relieving them, besides

Cattle to be sold, in case.

the pound-keeper's fees. And if no owner appear within the space of six days to redeem the said cattle or horse-kind, sheep or swine so impounded, and to pay the costs and damages occasioned by impounding the same, then and in every such case the person or persons impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at public[k] vendue, and to pay the cost and charges arising about the same (public[k] notice of the time and place of such sale, to be given in the said town of Yarmouth, forty-eight hours beforehand), and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse-kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding, and the other half to the use of the poor of the said town of Yarmouth.

And be it further enacted,

Officers to be chosen to put this act in execution.

[SECT. 3.] That the said town of Yarmouth, at their meeting in March, annually, for the choice of town officers, be authorized and impowered to chuse one or more meet person or persons whose duty it shall be to see this act observed, and to prosecute the breakers thereof,

Penalty for not serving.

and who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay, for the use of the poor of the said town of Yarmouth, the sum of five shillings; and upon such refusal, said town from time to time to proceed to a new choice of such officer or officers.

Provided nevertheless,—

Proviso.

And it is hereby declared,

[SECT. 4.] That this act shall not be construed so as to restrain any person or persons on the whaling or fishing business from turning their horses or oxen on the beach and land aforesaid, while the owners are attending thereon the aforesaid business.

Limitation.

[SECT. 5.] This act to commence on the first day of July next, and

to continue and be in force till the end of the session of the general court next following the twenty-fifth of March, one thousand seven hundred and sixty-seven, and no longer. [*Passed June* 15; *published June* 17.

CHAPTER 7.

AN ACT FOR CONTINUING AN ACT MADE AND PASSED IN THE TWENTY-NINTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT IN ADDITION TO AN ACT MADE IN THE TWENTY-NINTH YEAR OF HIS MAJESTY'S REIGN, INTITLED 'AN ACT MAKING PROVISION FOR THE INHABITANTS OF NOVA SCOTIA, SENT HITHER FROM THAT GOVERNMENT, AND LATELY ARRIVED IN THIS PROVINCE.'"

Preamble. 1755-56, chap. 35

Whereas an act made and passed in the twenty-ninth year of his present majesty's reign, intitled "An Act in addition to an act made and passed in the twenty-ninth year of his majesty's reign, intitled 'An Act making provision for the inhabitants of Nova Scotia, sent hither from that government, and lately arrived in this province,'" will expire on the twentieth day of June, this present year, and it is necessary some provision be made for the regulation and support of said inhabitants of Nova Scotia,—

Be it therefore enacted by the Council and House of Representatives,

Act continued.

That the said act shall continue and be in force from the said twentieth day of June to the first day of August next, and no longer. [*Passed June* 16; *published June* 17.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE SIXTEENTH DAY OF AUGUST, A. D. 1757.

CHAPTER 8.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

Be it enacted by the Governour, Council and House of Representatives, That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his excellency Thomas Pownall, Esquire, captain-general and governour-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of government. [*Passed August* 31; *published September* 1.

CHAPTER 9.

AN ACT IN FURTHER ADDITION TO THE ACT FOR LIMITATION OF ACTIONS, AND FOR AVOIDING SUITS IN LAW WHERE THE MATTER IS OF LONG STANDING.

Preamble. 1755-56, chap. 22.

WHEREAS, by a law of this province, intitled "An Act in further addition to the act for the limitation of actions, and for avoiding suits in law where the matter is of long standing," made and pass'd in the twenty-ninth year of his present majesty's reign, the time limit[*t*]ed for commencing all actions of account, and upon the case, excepting such as are excepted in another act, intitled "An Act in addition to and for the explanation of an act, intitled 'An Act for limitation of actions, and avoiding suits at law where the matter is of long standing,'" made and pass'd in the twenty-second year of his present majesty's reign, will expire the last day of March next; *and whereas* the continuance of the war, and great numbers of men that are and may hereafter be in his majesty's service, will make it necessary that some further time may be allowed for the bringing some kind of actions,— 1748-49, chap. 17.

Be it therefore enacted by the Governour, Council and House of Representatives,

Time for bringing actions on the case, &c., to be extended.

[SECT. 1.] That the time for commencing of actions of the case, upon notes of hand, or upon book accounts, limit[*t*]ed by said act of the twenty-second, or by said act of the twenty-ninth, year of his present majesty's reign, shall be and hereby is extended to the last day of March, which will be in the year of our Lord one thousand seven hun-

dred and sixty; and no suit hereafter to be brought in such cases shall be barred if commenced before the expiration of said term.

And that this law may be more generally known,—

Be it further enacted,

[Sect. 2.] That the act, intitled "An Act for the limitation of actions, and for avoiding suits in law where the matter is of long standing," made in the thirteenth year of the present reign, the afores[*ai*]d act, intitled "An Act in addition to and for the explanation of an act, intitled 'An Act for the limitation of actions, and avoiding suits at law where the matter is of long standing,'" made and pass'd in the twenty-second year of the present reign, and this act shall be read by the clerk of each town and district, at their anniversary meetings in March and May, annually; and the justices of the several courts of common pleas within the respective counties shall cause the same to be publickly read at the opening of their courts, from time to time from the publication of this act, and until[l] the last day of March, one thousand seven hundred and sixty. [*Passed August* 31; *published September* 1.

This act, &c., to be read in town and district anniversary meetings, and in courts of common pleas.

1740-41, chap. 4.

CHAPTER 10.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT IN ADDITION TO THE ACT FOR PROVIDING OF POUNDS, &c[a]."

Whereas it has been found inconvenient for the party damnified by any creatures which have been impounded and apprized, to be obliged to keep them to his own use at the apprized value,—

Preamble.

1703-4, chap. 10.

Be it therefore enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That when any creatures have been impounded and apprized, agreable to the directions of the aforementioned act; if the person impounding don't see fit to take the said creatures at the apprized value, then they shall be sold at publick outcry to the highest bidder by the person who caused the same to be impounded, notice of the time and place of such sale having been posted up in some publick place in the town in which they are impounded, four days at least before the sale; and the overplus of the money ari[z][*s*]ing by such sale, if any there be [shall be], after necessary charges are paid, shall be returned to the owner.

Creatures impounded and appraised may be sold at public outcry.

[Sect. 2.] This act to continue and be in force for the space of three years from the first day of September next, and no longer. [*Passed August* 31; *published September* 1.

Limitation.

CHAPTER 11.

AN ACT TO PREVENT NEAT CATTLE, HORSES AND SHEEP RUNNING AT LARGE AND FEEDING ON THE BE[E][*A*]CHES BETWEEN WELLS AND OGUNQUIT HARBOURS, IN THE TOWN OF WELLS, AND TO PREVENT THE MOWING OF THE SAME.

Whereas there is a large quantity of marish within the township of Wells, in the county of York, on which most of the inhabitants of said town depend for their hay, and the said marish lies adjo[*y*][*i*]ning to two long sandy be[e][*a*]ches between Wells and Ogunquit harbours, which is the only barrier to prevent said marish from being destroyed;

Preamble.

and by reason of cattle and horses trampling and feeding there, and by some persons mowing the grass on said be[e][a]ches, which was wont to preserve the be[e][a]ches and prevent the seas breaking over the same and covering said marish with sand, by which some part of said marish is already destroyed, and the whole is in danger of being buried with the sand, if not timely prevented,—

Be it therefore enacted by the Governour, Council and House of Representatives.

Persons forbidden to drive cattle, &c., on the beaches between Wells and Ogunquit harbors, on penalty.

[SECT. 1.] That from and after the first day of September next, no person shall presume to turn or drive any neat cattle, horses or sheep upon the said be[e][a]ches to feed, or leave them at large there, on the penalty of four shillings a head for all neat cattle and horse-kind, and sixpence for every sheep so turned upon any of said beaches to feed, or that shall be found at large there; which penalty may be recovered by any person of the said town of Wells: one moiety thereof to be to the informer that shall sue for the same, and the other moiety to be to and for the use of the poor of said town.

And be it further enacted,

Cattle to be impounded, in case.

[SECT. 2.] That it shall and may be lawful for any person or persons of the said town of Wells finding any cattle, horse-kind or sheep feeding or going at large upon the be[e][a]ches aforesaid or any of them, to impound the same; and the person or persons impounding them shall give publick notice thereof in said town of Wells, and shall rel[ei][ie]ve said creatures whilst impo[w][u]nded, with suitable meat and water; and the owner thereof appearing, shall pay to the impounder two shillings for each head of neat cattle and horse-kind, and fourpence for each sheep so impo[w][u]nded, and cost[s] of impounding them. And if the owner do not appear within the space of six days and pay the damages and cost occasioned by impounding the same, then and in every such case the person or persons impounding such cattle, horse-kind or sheep, shall cause them to be sold at publick vendue for paying such damages and costs, and the charge arising by such sale (publick notice of the time and place of such sale, being given forty-eight hours beforehand), and the overplus, if any be, to be returned to the owner of such cattle, horse-kind or sheep on his demand, at any time within twelve months next after the sale; and if no owner shall appear within the said twelve months, then one moiety of the overplus shall be to the party impounding, and the other moiety thereof to the use of the poor of said town.

Cattle to be sold, in case.

And be it further enacted,

Penalty for mowing, &c., said beaches.

[SECT. 3.] That if any person shall presume to mow any grass on said beaches, or carry away any from off said beaches, * shall forfeit and pay the sum of five pounds for every tun, and so in proportion for a greater or less quantity; which penalty may be recovered by any person of the town of Wells: one moiety thereof to be to the informer that shall sue for the same, and the other moiety to be to and for the use of the poor of said town.

And be it further enacted,

Penalty for leaving open bars, &c., leading to said beaches.

[SECT. 4.] That no person shall presume to leave open any bars or gates athwart any road that leads to the said beaches, on penalty of six shillings; which penalty may be recovered by any person of the town of Wells: the whole thereof to be to him or them that shall sue for the same.

And be it further enacted,

In case any dispute arise, how the same

[SECT. 5.] That in case any dispute arise upon any action, bill, plaint or information, brought as aforesaid, where the plaintiff, com-

* The word "he," evidently omitted.

plainant or informer shall charge the defendant in trespass for cutting or carrying off any grass from said beaches, or leaving open any bars or gates as aforesaid, then and in such case, if the plaintiff, complainant or informer, or his agent or attorney, shall make oath, *bonâ fide*, that there hath been cut or carried away to the best of his judgment, any certain quantity of grass, or that any bars or gates have been left open as mentioned in the writ[t], and that he suspects the defendant to have committed the said trespasses, and although the plaintiff, complainant or informer, or his agent or attorney, may not be able to produce any other evidence thereof than such circumstances as render it highly probable in the judgment of the court or justice before whom the tr[y][*i*]al is, then and in every such case, unless the defendant shall acquit himself upon oath, to be administred to him by the court or justice that shall try the cause, the plaintiff shall recover against the defendant damages and costs; but if the defendant shall acquit himself upon oath, as aforesaid, the court or justice may and shall enter up judgm[*en*]t for the defendant to recover against the plaintiff double his cost occasioned by such prosecution.

may be determined by the oath of the plaintiff, &c., unless.

And be it further enacted,

[Sect. 6.] That the said town of Wells, at their meeting in March, annually, for the choice of town officers, be and hereby are authorized and impowered to chuse two or more persons whose duty it shall be to see that this act be observed, and prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay sixteen shillings, for the use of the poor of the said town of Wells: and the said town of Wells, at a town meeting warned for that purpose, may, at any time before March next, chuse such officers, who shall continue until[l] their an[*n*]ual meeting in March next.

Officers to be chosen to see this act carried into execution.

Penalty for not serving.

[Sect. 7.] This act to be in force until[l] the first day of September, one thousand seven hund[*re*]d and sixty, and to the end of the then next sitting of the general court, and no longer. [*Passed August* 31; *published September* 1.

Limitation.

CHAPTER 12.

AN ACT PROVIDING REMEDY FOR BANKRUPTS AND THEIR CREDITORS.

Whereas divers persons in this province, having of late become insolvent, have secreted themselves and their estates, to the great hurt of themselves, their families and creditors, for remedy whereof, and to prevent many inconvenienc[*i*]es that happen to creditors and debtors in cases of insolvency,—

Disallowed by the privy council, July 28, 1758.*

Preamble.

Be it enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That all persons using, or that shall use, the trade of merchandize, by way of bargaining, exchange, bartering or otherwise, in gross or by retail, or seeking his, her or their living by buying and selling, either on his own account or as a factor, who shall, in writing, make a voluntary declaration, upon oath, to the secretary of this province, that he is unable to pay his debts, of which the secretary shall make a record and give notice thereof in all the public[k] Boston newspapers three weeks successively, or have departed, or shall depart, this province, have begun, or shall begin, to keep his or her house, or otherwise absent him- or herself, or suffer him- or herself willingly to be arrested for any

Persons liable to become bankrupt, and in what cases they shall be deemed and adjudged so.

Secretary to give notice in the Boston newspapers.

* See 1760-61, chap. 16, *post*; and notes to both chapters.

debt or other thing not grown due, for money delivered, wares sold or other just or lawful cause or good consideration, or hath or shall willingly or fraudulently procure him- or herself to be arrested, or his or her goods or money to be attached, or depart from his or her dwelling-house, or make, or cause to be made, any fraudulent grant or conveyance of his, her or their lands, tenements, goods or chatt[e]l[e]s to the intent, or whereby his, her or their creditors shall or may be defeated or delayed in the recovery of their just and true debts, or being arrested for debt, shall, after his or her arrest, l[y][i]e in prison six months upon that arrest, or upon any other arrest or detention in prison for debt, or being arrested for a just debt or debts, shall, at any time after such arrest, escape out of prison, shall be accounted and adjudged a bankrupt, to all intents and purposes.

And be it further enacted,

Commander-in-chief, with the advice and consent of the council, under the seal of the province, to appoint and grant commissioners power, &c.

[SECT. 2.] That the commander-in-chief, with the advice and consent of his majesty's council, upon complaint made to him in writing, against such person or persons being bankrupt, shall have full power and authority, by commission under the great seal of this province, to name, assign and appoint such honest and discreet persons as to him with such advice shall seem good, who, or the most part of them, by virtue of this act and such commission, shall have full power and authority, as in their discretion shall seem meet, to take such order and direction, with the body of such person, wheresoever he or she may be had, either in his or her house or houses, or elsewhere, as well by imprisonment of his or her body, as also with all his or her lands, tenements and hereditaments which he or she shall have in his or her own right before he or she became bankrupt, and also with all such lands, tenements and hereditaments as such person shall have purchased and obtained for money or other recompence, jointly, with his wife, children or child to the only use of such bankrupt or bankrupts, or of or for such use, interest, right or title as such bankrupt or bankrupts then shall have in the same, which he or she may lawfully depart withal, or with any person or persons of trust to any secret use of such bankrupt or bankrupts, and also with his or her money, goods, chatt[e]l[e]s and debts, books of account and papers, wheresoever they may be found or known, and cause the said lands, tenements, hereditaments, money, chatt[e]l[e]s, goods and debts, books and papers, to be searched, viewed, rented and appraized, and by deed indented and duly acknowledged and regist[e]red to make sale of such lands, tenements and hereditaments, and of all deeds, writings and evidences touching only the same, belonging to such debtor or debtors, and also of all annuities, goods and chatt[e]l[e]s, or otherwise to order the same for the true satisfaction and payment of the said creditors; that is to say, a portion rate and rate like to the sum of his or their debt.

And for the better distribution of the lands, tenements, hereditaments, goods, chatt[e]l[e]s and other estate of such bankrupt to and amongst his or her creditors,—

Be it enacted,

Commissioners to examine on oath, or otherwise to discover debts due to creditors.

[SECT. 3.] That the said commissioners, or the greater part of them, shall and may examine, upon oath, or by any other ways or means as to them shall seem meet, any person or persons for the finding out and discovery of the truth and certainty of the several debts due and owing to all such creditor and creditors as shall seek relief by such course of commission, to be sued forth as aforesaid; and that all and every creditor and creditors having security for his and their several debts by judgment, statute or recognizance, or that have made, or shall make, attachment of any estate of such bankrupt on supposal of his absconding or absence, whereof there shall be no execution served and executed

Creditors having security not to be relieved unless.

upon any of the lands, tenements, hereditaments, goods and other estate of such bankrupts, before such time as he or she shall or do become bankrupt, shall not be rel[ei][*ie*]ved upon any such judgment, statute, recognizance or attachment for any more than a rateable part of their just and due debts with the other creditors of the said bankrupt.

And be it further enacted,

Direction, order, &c., of the commissioners to be good against the wife or children, &c., of any bankrupt.

[Sect. 4.] That every direction, order, bargain, sale and other things done by the said persons so authorized as aforesaid, in form aforesaid, shall be good and effectual in the law to all intents, constructions and purposes, against the said bankrupt or bankrupts, his or their wife or wives, heir and heirs, child and children, and such person [and] [*or*] persons as, by such joint purchase with the said bankrupt or bankrupts as is aforesaid, have or shall have any estate or interest in the premis[s]es and against all other person and persons claiming by, from or under such debtor or debtors by any act or acts had, made or done after any such person shall become bankrupt as is aforesaid.

And be it further enacted,

Commissioners to give public notice of persons declared bankrupt, and when and where to surrender.

[Sect. 5.] That the commissioners, or the greater part of them, after having declared such person a bankrupt, shall cause notice thereof to be given in the publick Boston newspapers for three weeks successively, and shall therein appoint time and place for the said bankrupt to surrender him- or herself to them, and to conform to this act, which time they, or the greater part of them, may enlarge, as is hereafter mentioned; and if the said bankrupt shall not at one or other of those times surrender him- or herself to the said commissioners, then the body of all and every such offender or offenders shall be adjudged, taken and deemed, to all intents [and] purposes, out of his majesty's protection; and every person and persons that shall willingly and wit[*t*]ingly help to hide or shall wittingly and willingly receive, detain or keep secretly any person or persons so demanded, as is aforesaid, shall suffer such imprisonment or pay such fine as to the court of assize upon conviction thereof shall seem meet.

Bankrupts deemed out of his majesty's protection, in case.

Persons not to secrete bankrupts, on penalty.

Commissioners may issue warrants to bring bankrupts before them.

[Sect. 6.] And the said commissioners, or the greater part of them, shall, or may, at any time after the issuing of such commission, as they in their discretion shall think fit, award a warrant to the sheriff of the county, his under sheriff or deputy, to apprehend the body and bodies of the said bankrupt and bankrupts, and to bring him, her or them before the said commissioners wheresoever the said party or parties may be found, to be examined by the commissioners, or the greater part of them.

Commissioners may issue warrants for breaking open the house, &c., of any bankrupt.

[Sect. 7.] And it shall be lawful for the said commissioners, or the greater part of them, or any other person or persons, officer or officers, by them, or the greater part of them, to be deputed and appointed by their warrant or warrants, under their hands and seals, to break open the house or houses, chambers, shops, warehouses, doors, trunks, or chests of the said bankrupt, where any of his or her goods or estate shall be, or be reputed to be, and to seize upon and order the body, goods, chatt[*e*]l[e]s, ready money, and other estate of such bankrupt, whether it be by imprisonment of his or her body, or otherwise, as to the said commissioners, or the greater part of them, shall be thought meet.

Bankrupts to be examined on oath, or if Quakers, by affirmation.

[Sect. 8.] And it shall be lawful for the said commissioners, or the greater part of them, to examine every person, against whom any commission shall be awarded, by oath, or, if of the people called Quakers, by solemn affirmation, upon such interrogatories touching such persons, lands, tenements, hereditaments, goods, chatt[*e*]l[e]s, debts, bills, bonds, books of accounts, and all other matters relating to his or her trade and effects, and such other things as may tend to disclose his or her estate, or the secret grants, conveyances and eloyning of his, her or their lands,

tenements, hereditaments, goods, money, and debts, as they shall think meet; and likewise so to examine the wife of such bankrupt, for the finding out and discovery of the estate, goods and chatt[*e*]l[e]s of such bankrupt, concealed, kept or disposed of by her in her own person, or by her own act and means, or by any other person or persons; and likewise so to examine any person supposed or suspected to be indebted to the said bankrupt, or to have any of the goods, chatt[*e*]l[e]s, debts, estate or securities of such bankrupt in his or her custody, use, occupying, direction or command; or any other person duly summoned or present at the meeting of the commissioners touching the premis[s]es, and any acts of bankruptcy committed by him or her, and also to reduce into writing the answers of such bankrupt[s], his wife or other person, which examination the party examined is required to subscribe.

Wife of any bankrupt may be examined.

Or any person suspected to be indebted to any bankrupt, &c.

Bankrupts' answers to be reduced to writing.

Bankrupts or their wives may be imprisoned for refusing to answer.

[SECT. 9.] And in case such bankrupt, his wife or other person, shall refuse to answer, or shall not fully answer to the satisfaction of the commissioners, all lawful questions put by the commissioners, or shall refuse to subscribe his examination, not having a reasonable objection to the wording thereof, or otherwise, to be allowed by the commissioners, it shall be lawful for the commissioners, by warrant, to commit him or her to such prison as the commissioners shall think fit, there to remain without bail until[l] such person shall submit him- or herself to the commissioners, and full answer make, to the satisfaction of the commissioners, to all such questions as shall be put to him or her, and subscribe such examination as aforesaid.

Warrant for commitment to specify the question.

Persons committed applying by writ of *habeas corpus* to be discharged, may be recommitted, in case.

[SECT. 10.] And in case any person shall be committed by the commissioners for refusing to answer or not fully answering any question, the commissioners shall, in their warrant of commitment specify such question; and in case any person committed by the commissioners' warrant, shall bring a *habeas corpus* in order to be discharged, and there shall appear any insufficiency in the form of the warrant, it shall be lawful for the court or judge before whom such party shall be brought by *habeas corpus*, by rule or warrant, to commit such person to the same prison, there to remain until[l] he or she shall conform as aforesaid, unless it shall be made appear that such person hath fully answered all lawful questions put by the commissioners, or, in case such person was committed for not signing his examination, unless it shall appear that the party had good reason for refusing to sign the same.

Penalty for the jailer's wilfully suffering an escape, &c.

[SECT. 11.] And in case any goaler, to whom such person shall be committed, shall wil[l]fully suffer such person to escape or go without the walls or doors of the prison, such goaler shall for such offence, being convicted thereof by indictment or information, forf[ie][*ei*]t five hundred pounds for the use of the creditors; and the goaler shall, upon request of any creditor having proved his debt and produced a certificate thereof under the hands of the commissioners, which the commissioners shall give gratis, produce such person so committed: and in case such goaler shall refuse to shew such person so committed and being in his actual custody at the time of such request, to such creditor requesting to see such person, such goaler shall forfeit an hundred pounds for the use of the creditors, to be recovered by action of debt in the name of the creditor requesting such sight.

And be it further enacted,

Penalty for perjury committed by the bankrupt.

[SECT. 12.] That if, upon the examination of such bankrupt, it shall appear that he, she or they have committed any wilful or corrupt perjury tending to the hurt or damage of the creditors of the said bankrupt to the value of ten pounds or above, the party so offending shall or may thereof be indicted in his majesty's court of assize, and being lawfully convicted thereof, shall stand in the pillory one hour, and have one of his ears cut off.

[Sect. 13.] And it shall and may be lawful for such commissioners, or the greater part of them, to issue process against the wife of such bankrupt, to bring her before them for examination; and if she or any other person duly summoned shall fail of appearing before the said commissioners at the time and place by them appointed, they shall incur[r] such danger and penalty as is above made and provided against the bankrupt himself; and the lawful costs of all witnesses shall be rateably born by the creditors of such bankrupt, according to the proportion of each of their several debts. Commissioners may bring the wife of any bankrupt for examination, &c.

And be it further enacted,

[Sect. 14.] That if any bankrupt shall, upon examination before the s[*ai*]d commissioners executing the said commission, be found fraudulently or deceitfully to have conveyed away his or her goods, chatt[*e*]l[e]s, lands, tenements, rents, annuities or other estate, or any part thereof, to the value of twenty pounds or above, to the end and purpose to hinder the execution of this act, or thereby to defraud or delay or hinder his or her creditors of the same, and shall not, upon examination, discover to the said commissioners, or the greater part of them and, if it be in his or her power, deliver unto the said commissioners all that estate, goods and chatt[*e*]l[e]s so fraudulently conveyed away as aforesaid, or by him or her, his or her means kept or detained from the said commissioners, or shall not, as far as lies in his or her power, convey to the said commissioners all his or her estate, being out of this province, to be disposed of by the said commissioners as his or her other estate for the benefit of the creditors, shall or may be indicted for such fraud or abuse, at the assizes or general sessions to be holden before the judges of assize or justices of the peace of the county where he or she shall become bankrupt, and the bankrupt, upon conviction thereof, shall stand in the pillory one hour, and have one of his ears cut off. Frauds to be indicted at the court of assize, &c. Penalty.

And be it further enacted,

[Sect. 15.] That if any person which is or shall be a bankrupt, by the intent of this act, shall convey or procure, or cause to be conveyed to any person or persons any lands, tenements, hereditaments, annuities, leases, goods, chatt[*e*]l[e]s, or transfer his debts into other men's names, except the same shall be purchased, conveyed or transferr[*e*]'d for some good or valuable consideration, it shall be in the power and authority of the commissioners in this behalf to be appointed, or the greater part of them, to bargain, sell, grant, convey, demise or otherwise to dispose thereof, in as ample manner as if the said bankrupt had been actually seized or possessed thereof, or the debts were in his own name, of the like estate or interest, to his or their own use, at such time as he or she became bankrupt, and that every such grant, bargain, sale, conveyance and disposition of the said commissioners, or the greater part of them, shall be good and available to all intents, constructions and purposes in the law against the offender and offenders, his heirs, exe[*cut*]ors, adm[*inistrat*]ors and assigns, and such persons as shall be subject to this act, and against all other person or persons claiming by, from or under such offender or offenders, or such said other persons to whom such conveyance shall be made by the bankrupt, or by his means or procurement. Where lands, &c., are fraudulently conveyed without a valuable consideration, the commissioners may dispose of the same for the benefit of the creditors.

And be it further enacted,

[Sect. 16.] That if any person or persons being known, supposed or suspected to have or detain any part of the lands, tenements, hereditaments, goods, chatt[*e*]l[e]s or debts of the said bankrupt, or to be indebted to or for his or her benefit, shall not upon examination disclose and plainly declare and shew the whole truth of such things as he or they shall be examined of concerning the premisses to his knowledge, then every such person or persons, upon due proof thereof to be made Persons detaining lands, &c., of any bankrupt, or being indebted, that on examination shall not disclose the whole truth, to pay double the value of lands, &c.

before the said commissioners, or the greater part of them so to be appointed as is aforesaid, by witness, examination or otherwise, as to the said commissioners, or the greater part of them, shall seem sufficient in that behalf, shall lose and forfeit double the value of all such goods, chatt[e]l[e]s, wares, merchandizes and debts by them, or any of them, so concealed, and not wholly and plainly declared and shewed, which forfeiture shall be levied by the said commissioners, or the greater part of them, of the lands, tenements, hereditaments, goods and chatt[e]l[e]s of such person not disclosing the whole truth as is aforesaid, by such ways and means, and in such manner and form, as is before limit[t]ed and appointed for the principal offender or offenders, debtor or debtors, and the same forfeiture or forfeitures to be distributed or employed to and for the satisfaction and payment of the debts of the said creditor or creditors, in such like manner, rate and form as is above declared concerning the ordering of the lands, tenements, goods and chatt[e]l[e]s of such debtor or debtors as is aforesaid.

Forfeitures to be distributed for the payment of creditors.

And be it further enacted,

[SECT. 17.] That if at any time before or after such voluntary declaration to the secretary, or that any such person or persons depart the province, keep his or their houses, or otherwise absent him- or themselves, or suffer him- or themselves to be arrested or imprisoned, or escape as is aforesaid, any person or persons fraudulently, by coven or collusion, claim, demand or recover any debts, duties, goods, chatt[e]l[e]s, lands or tenements which were or shall be due belonging or appertaining to any such bankrupt or bankrupts, other than such as he or they can or do prove to be due by right and conscience in form aforesaid for money paid, wares delivered, or other just consideration or cause reasonable, to the just value thereof, before the said commissioners so to be appointed, or the greater part of them, as is aforesaid, and the same to proceed *bona fide* without fraud or coven, that then every such person or persons so craftily demanding and claiming any such debt, duty or other thing as is aforesaid, shall forfeit and lose double as much as he or they shall so claim and demand, which said forfeiture shall be recovered, levied and employed in manner and form as is before rehearsed.

Persons fraudulently claiming or recovering debts, &c., of any person deemed or adjudged a bankrupt, to forfeit double as much as shall be claimed or demanded.

[SECT. 18.] And every person who shall have accepted any trust, and shall wilfully conceal any estate of any bankrupt, and shall not, within forty-two days after such commission shall issue and notice given in the public[k] newspapers, discover such trust and estate in writing to one of the commissioners or assignees hereafter mentioned, and submit to be examined thereupon, if required, shall forfeit one hundred pounds and double the value of the estate concealed to the creditors.

Persons intrusted and wilfully concealing the estate of any bankrupt, to be fined £100.

[SECT. 19.] And if any person or persons other than the bankrupt, either by subornation, unlawful procurement, sinister perswasion, or means of any other, or by his own act, consent or agreement, shall wil[l]fully and corruptly commit any manner of wilful[l] perjury by his deposition to be taken before the s[*ai*]d commissioners, or the greater part of them as aforesaid, that then the party or parties so offending, and all and every person and persons that shall unlawfully and corruptly procure any such unlawful, wilful[l] and corrupt perjury, shall or may therefor be indicted in his majesty's superiour court, and after his or their conviction thereof, shall incur such forfeiture, and receive and suffer such pains and punishments, as are limited by the statute made concerning perjury in the fifth year of the reign of Queen Elizabeth.

Persons committing wilful perjury, to be indicted, &c.

Penalty.

St. 5 Eliz., ch. 9.

And be it further enacted,

[SECT. 20.] That all and every sum and sums of money which shall be forfeited by force of this act, shall be sued for and recovered by the said creditors only, or any of them that will sue for the same, by action

Sums of money forfeited to be recovered by creditors.

of debt, bill, plaint or information in any of his majesty's courts of record, and the sum and sums of money so recovered, the charges of suit being deducted, shall be distributed and divided towards the payment of the said creditors.

Provided, always,—

And be it enacted,

Proviso relating to forfeitures.

[Sect. 21.] That if it shall happen that the creditors of any such bankrupt as is aforesaid be paid and satisfied their debts and duties of or with the proper lands, tenements, goods, chatt[e]l[e]s and debts of the said bankrupt, or of or with the same and some part of the forfeitures of the said double values to be forfeited as is aforesaid, and that there shall remain an overplus of the said forfeiture of the said double values, that the said overplus shall, by the said commissioners so executing the said commission, be paid to the treasurer of this province for the use thereof.

And be it further enacted,

Commissioners to assign or dispose of debts, &c., for the benefit of bankrupts.

[Sect. 22.] That the commissioners of bankrupts or the greater part of them shall have power to grant and assign, or otherwise to order or dispose all or any of the debts due, or to be due, to and for the benefit of the said bankrupt, by what person or persons soever, or in what manner and form soever, to the use of the creditors of the said bankrupt; and that the same grant, assignment or disposition of the said debts, in form hereafter mention[e]'d, by the said commissioners, or the greater part of them, shall so vest the property, right and interest of the said debt and debts, in the person or persons of him, her or them to whom it shall be granted, assigned or ordered by the said commissioners, or the greater part of them, as fully to all intents and purposes as if the bill, bond, bonds, recognizances, judgment or contract whereupon the said debt or debts, deed or deeds shall arise or grow, had been made to or with, or for, the said person or persons to whom the same shall be so granted, assigned or disposed by the said commissioners; and that after such grant, assignment or disposition made of the said debts, that neither the bankrupt, nor any other to whom such debt[s] shall be due, shall have power to recover the same, nor to make any release or discharge thereof; neither shall the same be attached as the debt of the bankrupt, or such said other person or persons, to whom the same shall be due by any other person or persons; but that the party or parties, to whom the same debt shall be assigned, shall have like remedy to recover the same, as fully and lawfully, in the name or names of the person or persons to whom the same shall be so granted, assigned or ordered by the said commissioners, in all respects and purposes, as the party himself might have had.

Provided always,—

Proviso respecting debtors.

[Sect. 23.] That no debtor of the bankrupt hereby be endanger[e]'d for any payment truly and *bona fide* made to any such bankrupt before such time as he shall understand or know that he is become a bankrupt.

Provided, also,—

And be it further enacted,

Commissioners to make declaration to any bankrupt of the employing or bestowing of his or her estate when lawfully requested.

[Sect. 24.] That such of the said commissioners as shall put the said commission in execution shall, upon lawful[l] request to them made by the said bankrupt, not only make a true declaration to the said bankrupt of the employing and bestowing of his, her or their said lands, tenements [and] hereditaments, goods, wares, chatt[e]l[e]s and debts which shall be paid and satisfied to their said creditors, but also make payment of the overplus of the same, if any such there be, to the said bankrupt, their executors, administrators and assigns, and that the said bankrupts, after the full satisfaction of the said creditors, shall

have full power and authority to recover and receive the residue and remainder of the debts to them owing, anything in this act contained to the contrary in any wise notwithstanding.

And be it further enacted,

Creditors petitioning for a commission of bankruptcy to prosecute the same at their own cost until assignees shall be chosen.

[SECT. 25.] That the creditors who shall petition for a commission of bankruptcy shall be obliged, at their own costs, to prosecute the same until[l] assignees shall be chosen; and the commissioners shall, at the meeting appointed for the choice of assignees, ascertain such costs, and by writing shall order the assignees to reimburse such petitioning creditors out of the first effects of the bankrupt that shall be got in, and the commissioners shall forthwith, after they have declared the person a bankrupt and caused notice thereof to be given in the public[k] newspapers, appoint time and place for the creditors to meet, in order to choose assignees; at which meeting the commissioners shall admit the proof of any creditor's debt that shall live remote from the place of such meeting by affidavit or solemn affirmation, and permit any person duly authorized by letter of attorney (oath or affirmation being made of the execution thereof, either by an affidavit sworn or affirmation made before a justice of the peace or before the commissioners *viva voce*, and in case of creditors residing in distant parts, such affidavit[t]s or affirmations shall be made before a magistrate where the party shall be residing, and shall, together with such creditor's letters of attorney, be attested by a notary publick) to vote in the choice of assignees in the place of such creditor, and the commissioners shall assign such bankrupt's estate unto such persons as the major part in value of such creditors, according to the debts then proved shall choose; and the assignees shall be obliged to keep books of account, wherein they shall enter all sums of money or other effects which they shall have received out of said bankrupt's estate, to which books every creditor shall have free resort, and no creditor or other person on behalf of any creditor shall be permitted to vote in such choice of assignees whose debt[s] shall not amount to ten pounds.

Public notice to be given the creditors of any bankrupt of the time and place of meeting for the choice of assignees, &c.

Assignees appointed by commissioners may be removed at the meeting of creditors, &c.

[SECT. 26.] And it shall be lawful for the commissioners immediately to appoint assignees, which assignees shall be removed at the meeting of the creditors for choice of assignees, if the major part in value of them then present and if such persons authorized as aforesaid shall think fit; and such assignees as shall be removed shall deliver up the said bankrupt's effects and estate unto the assignees chosen by the creditors; and if such first assignees shall neglect by the space of ten days, after notice in writing, to make such assignment and delivery, every such first assignee shall forfeit two hundred pounds to be distributed amongst the creditors and to be recovered by such person as the commissioners shall appoint to sue for the same.

Forfeiture for neglect of assignees.

Commander-in-chief, with advice of the council, to make order for the choice of new assignees, &c.

[SECT. 27.] And it shall be lawful for the commander-in-chief, with the advice of his majesty's council, upon petition of the creditors, to make such order for the choice of new assignees as he, with such advice, shall think just; and in case a new assignment shall be ordered, then such effects of such bankrupt shall be thereby effectually vested in such new assignees, and it shall be lawful for them to sue for the same in their names, and to give acquittance for debts, as the assignees in the former assignment might have done; and the commissioners shall cause publick notice to be given in the Boston newspapers that shall immediately follow the removal of such assignees and the appointment of others; and before the creditors shall proceed to the choice of assignees, the major part in value of the creditors present shall, if they think fit, direct how and with whom the monies to be received out of the bankrupt's estate shall remain until[l] the same be divided, to which

rule such assignees shall conform as often as fifty pounds shall be got in.

Assignees to give notice in the public newspapers of the time and place of commissioners' and assignees' meeting to make dividend, &c.

[Sect. 28.] And the persons chosen assignees shall, after the expiration of four months and within twelve months from the time of issuing such commission, cause twenty-one days' notice to be given in the publick newspapers of the time and place the commissioners and assignees intend to meet and make a dividend, at which time the creditors who have not before proved their debts shall be at liberty to prove the same; and upon every such meeting the assignees shall produce accounts of their receipts and payments, and of what still shall remain outstanding, and shall, if the creditors present require the same, be examined upon oath or solemn affirmation touching the truth of such accounts, and the assignees shall be allowed all just allowances; and the commissioners shall order such part of the neat produce of the said bankrupt's estate in the hands of [the] said assignees, as they shall think fit, to be divided amongst the creditors, and shall make such order for a dividend in writing, and shall cause one part of such order to be filed amongst the proceedings under the commission, and shall deliver unto each of the assignees a duplicate of such order, which order shall contain an account of the time and place of making such order, and the sum total of the debts proved, and the sum total of the money remaining in the hands of the assignees, and how much in the pound is then ordered to be paid; and the assignees, in pursuance of such order, shall forthwith make such dividend and take receipts in a book from each creditor.

Assignees, with the consent of the major part of the creditors, to submit any difference to arbitration.

[Sect. 29.] And it shall be lawful for the assignees, with the consent of the major part in value of the creditors present at any meeting, pursuant to notice in the public[k] newspapers, to submit any difference between such assignees and any person whatsoever, by reason of any matter relating to such bankrupt, to the determination of arbitrators, or otherwise to compound the matter[s] in difference as the assignees, with such consent, can agree. And the assignees are impow[e]red, with consent of creditors, to make composition with any debtors to such bankrupts where the same shall appear necessary.

Times for commissioners' meeting within the time limited for any bankrupt to surrender himself.

[Sect. 30.] And the commissioners shall appoint, within the time limit[t]ed for the bankrupt to surrender and conform as aforesaid, not less than three meetings, the last of which shall be on the day limit[t]ed for such bankrupt's appearance, and three weeks' notice shall be given in the public[k] newspapers of the time and place of such meetings; and it shall be lawful for them to enlarge the time for such person's surrendering himself and discovering his effects, not exceeding fifty days from the end of the time limit[t]ed as aforesaid, so as such order for enlarg[e]ing the time be made six days before the time on which such person was to surrender himself.

Bankrupts to deliver the assignees, on oath, books of account, &c.

[Sect. 31.] And every such bankrupt, after assignees shall be appointed, shall deliver, upon oath or affirmation before a justice of the peace, unto such assignees, all his books of accounts and writings not seized by the messenger of the commission or not before delivered up to the commissioners and then in his power and discover such as are in the power of any other person that anyways concern his estate; and every such bankrupt not in prison shall, after such surrender, be at liberty and shall attend such assignees, upon notice in writing, in order to assist in making out the accounts of the estate.

Any bankrupt having surrendered himself to have liberty to inspect his books, &c.

[Sect. 32.] And every bankrupt having surrendered shall, at all seasonable times before the expiration of the said first limited time aforesaid or such further time as shall be allowed to finish his examination, be at liberty to inspect his books and writings in the presence of some person to be appointed by the assignees, and to bring with him

for his assistance such persons as he shall think fit, not exceeding two at one time, and to make extracts and copies to enable him to make a full discovery of his effects; and the said bankrupt shall be free from arrests in com[e]ing to surrender and from actual surrender for such time as shall be allowed for finishing his examination: *provided*, such bankrupt was not in custody at the time of surrender. And in case such bankrupt shall be arrested for debt or on any escape warrant, coming to surrender or after his surrender, within the time before mentioned, then, on producing such summons or notice, under the hands of the commissioners or assignees, and giving the officer a copy thereof, he shall be discharged; and in case any officer shall detain such bankrupt, such officer shall forfeit to such bankrupt, for his own use, five pounds for every day he shall detain him; and in case any bankrupt be in custody at the time of issuing the commission, and is willing to submit to be examined, and can be brought before the commissioners and creditors, the expence thereof to be paid out of the bankrupt's estate; but in case such bankrupt is in execution, or cannot be brought before the commissioners, then the commissioners shall attend the bankrupt in custody and take his discovery; and the assignees shall appoint persons to attend such bankrupt in prison and produce his books and writings in order to prepare his discovery, a copy whereof the assignees shall apply for and the bankrupt shall deliver to their order ten days before such last examination.

Bankrupts to be free from arrests in coming to surrender, &c.

Penalty, &c.

Any bankrupt that shall be in custody when commission is issued, &c.

Expense of examination, how to be paid.

Bankrupts in execution to be attended in prison.

[SECT. 33.] And all bankrupts who shall surrender and conform, as by this act is directed, shall be allowed five per cent out of the neat produce of the estate that shall be received, in case the neat produce of the estate, after such allowance made, shall be sufficient to pay ten shillings in the pound, and so as the said five per cent shall not amount to above two hundred pounds; and in case the neat produce of the estate shall be sufficient to pay twelve shillings and sixpence in the pound, then all the persons so [per][*con*]forming shall be allowed seven pounds ten shillings per cent, so as such allowance shall not amount to above two hundred and fifty pounds; and in case the neat produce shall, over and above the allowance, be sufficient to pay fifteen shillings in the pound, then persons so conforming shall be allowed ten per cent, so as such ten per cent shall not amount to above three hundred pounds; and every such bankrupt shall be discharged from all debts owing at the time he did become bankrupt.

Allowance to bankrupts who shall surrender and conform to this act.

Bankrupts to be discharged from all debts owing, &c.

[SECT. 34.] And in case such bankrupt shall afterwards be impleaded, for any debt due before he became bankrupt, such bankrupt shall be discharged upon common bail and may plead in general that the cause of action did accrue before such time as he became bankrupt; and the certificate of such bankrupt's conforming and the allowance thereof shall be sufficient evidence of the trading bankruptcy commission and other proceedings precedent to the obtaining such certificate: *unless* the plaintiff can prove the said certificate was obtained unfairly, or make appear any concealment by such bankrupt to the value of ten pounds.

Bankrupts impleaded, &c., to be discharged on common bail.

Bankrupt may plead in general, &c.

[SECT. 35.] And if the neat proceeds of such bankrupt's estate shall not amount to ten shillings in the pound, such bankrupt shall not be allowed the five per cent, but shall be allowed so much as the assignees and commissioners shall think fit, not exceeding three per cent.

Allowance to bankrupts where their estate will not pay 10*s.* in the pound.

[SECT. 36.] And in case any commission of bankruptcy shall issue against any person who shall have been discharged by virtue of this act, or shall have compounded with his creditors, or delivered to them his effects and been released by them, or been discharged by any act for the relief of insolvent debtors, then the body only of such person conforming shall be free from arrest and imprisonment, but the future estate of such person shall remain liable to his creditors, the tools of trade,

Bankrupts' bodies to be free from arrests, &c.

Future estate liable to creditors.

necessary hous[e]hold goods and necessary wearing apparel[1] of such bankrupt and his wife and children excepted: *unless* the estate of such person shall produce, clear, fifteen shillings in the pound. Exception.

And be it further enacted,

[Sect. 37.] That no discovery shall intitle such bankrupt to the benefits allowed by this act, unless the commissioners or the major part of them shall, under their hands and seals, certify to the commander-in-chief, that such bankrupt hath made a full discovery of his estate, and in all things conformed himself according to the directions of this act and that there doth not appear to them any reason to doubt of the truth of such discovery; and unless the greater part in number and in value of the creditors, who shall be creditors for not less than ten pounds, respectively, or some other person by them duly authorized, shall sign such certificate; and the commissioners shall not certify 'till they shall have proof by affidavit or affirmation, in 'writing, of such creditors or of the persons by them authorized signing the certificate, and of the power by which any person shall be authorized to sign for any creditor (which affidavit or affirmation together with such authority to sign shall be laid before two of the justices of the superiour court with the said certificate), and unless such bankrupt make oath or solemn affirmation, in writing, that such certificate was obtained without fraud, and unless such certificate shall, after such oath or affirmation, be allowed by two of the s[*ai*]d justices; and any of the creditors of such bankrupt[s] may be heard, if they think fit, against the making such certificate and against the confirmation thereof; and every security to be given to the use of any creditor as a consideration to persuade him to sign such certificate shall be void, and the party sued on such contract may plead the general issue and under it give this special matter in evidence.

Bankrupt not to be allowed the benefit of this act, unless.

Certificate to be signed by the greatest part of creditors, &c.

Commissioners not to certify till they have proof by affidavit, &c.

Bankrupt to make oath, &c., certificate was obtained without fraud.

Security given any creditor to sign the certificate, to be void.

[Sect. 38.] And nothing in this act shall give any advantage to any bankrupt who shall have lost, in one day the value of forty shillings, or in the whole the value of ten pounds within twelve months next preceeding his becom[e]ing bankrupt, at cards, dice or other game, or hath born a share in the stakes or betting.

Nothing in this act shall give advantage to bankrupts, &c.

[Sect. 39.] And if any bankrupt who shall obtain his certificate shall be taken in execution and detained in prison, on account of any debts contracted before he became a bankrupt, by reason that judgment was obtained before such certificate was allowed, it shall be lawful for any one of the judges of the court wherein judgment hath been so obtained, on such bankrupt producing his certificate allowed, to order any sheriff or goaler, who shall have such bankrupt in his custody, to discharge such bankrupt without fee; and upon certificate, under the hands and seals of the commissioners that such commission is issued and such person proved before them to become bankrupt, it shall be lawful for any of his majesty's justices of the superiour court, or of the courts of common pleas, and they are hereby required, upon application made, to grant their warrants for apprehending such person, and him to commit to the common goal of the county where he shall be apprehended, and there to remain until[1] he be removed by the order of the commissioners; and the goaler, to whose custody such person shall be committed, is required to give notice to one of the commissioners of such person being in his custody; and if any person so apprehended shall, within the time allowed, submit to be examined and conform as if he had surrendered, such person shall have the benefit of this act, as if he had voluntarily come in.

Any bankrupt being imprisoned after obtaining a certificate, to be discharged, &c.

On certificate of commissioners that commission is issued, &c., justices of the superior court, &c., to grant warrant.

Any bankrupt apprehended, on submitting, &c., to have the benefit of this act.

[Sect. 40.] And every person, who shall, after the time allowed to such bankrupt, voluntarily make discovery of any part of such bankrupt's estate, not before come to the knowledge of the assignees, shall be

Persons making discovery, to be allowed.

allowed five per cent, and such further reward as the assignees and the major part of the creditors in value present at any meeting of the creditors, shall think fit.

Persons taking bills, &c., may petition for a commission or bankruptcy.

[SECT. 41.] And it shall be lawful for persons taking bills, notes or other security, for money payable at a future day, to petition for a commission, or join in petitioning.

No commission of bankruptcy to be awarded on a single debt less than £50.

[SECT. 42.] And no commission of bankruptcy shall be awarded unless the single debt of the creditor, or of more persons being partners petitioning for the same, amount to fifty pounds, or unless the debt of two creditors petitioning amount to seventy-five pounds, or unless the debt of more creditors petitioning amount to an hundred pounds; and the creditors petitioning shall, before the same be granted,

Persons petitioning to make oath and give bond.

make affidavit or solemn affirmation before a justice of the peace of the truth of their debts, and give bond to the secretary of the province in the penalty of a hundred pounds, to be conditioned for proving their debts, as well before the commissioners as upon a trial at law, in case the due issuing forth of the same shall be contested, and also for proving the party a bankrupt, and to proceed on such commission as herein is mentioned; and if such debts shall not be really due, or if, after such commission taken out, it cannot be proved that the party was a bankrupt, then the secretary shall, upon request of the party grieved, assign

Secretary, in certain cases, to assign bond.

such bond to the party who may sue for the same in his own name.

Any bankrupt giving security to such person as shall sue out a commission for payment of more in the pound than the other creditors, new commission to issue.

[SECT. 43.] And if any bankrupt shall, after issuing of any commission against him, pay the person who sued out the same, or deliver to such person goods or security for his debt, whereby such person suing out such commission shall privately have more in the pound than the other creditors, such payment, delivery of the goods or giving security shall be deemed an act of bankruptcy, whereby such commission shall be super[e][s]eded; and it shall be lawful for the commander-in-chief, with advice as aforesaid, to award to any creditors petition-[ing][*ed*] another commission, and such person receiving such goods or other satisfaction shall forfeit as well his whole debt as the whole he shall have received, and shall pay back and deliver up the same, or the full thereof to be divided amongst the other creditors; and where it shall appear that there hath been mutual credit given, or mutual debts between the bankrupt or any other person, the commissioners or assignees shall state the account, and one debt may set against another, and [*the*] only [the] bal[l]ance of such account shall be claimed or paid.

Penalty for any bankrupt swearing or affirming that any money is due which is not.

[SECT. 44.] And if any person shall, before the commissioners, or by affidavit or affirmation exhibited to them, swear or affirm that any sum of money is due to him from any bankrupt, which is not really due, knowing the same to be not due, and being convicted by indictment or information, such person shall suffer as in case of wilful[l] perjury, and shall be liable to pay double the sum so sworn or affirmed to be due.

Bankrupts to attend assignees to settle accounts, &c.

[SECT. 45.] And after such bankrupt shall have obtained his certificate and the same shall be confirmed, such bankrupt shall be obliged, upon notice in writing, to attend the assignees in order to settle any account of such bankrupt's estate, or to attend any court of record to be examined touching the same, or for such other business which such assignees shall judge necessary for getting in the bankrupt's estate, for which attendance the bankrupt shall be allowed two shillings per diem;

Upon neglect to be committed, &c.

and in case such bankrupt shall neglect to attend, or refuse to assist in such discovery, without good cause to be shewn to the commissioners, to be by them allowed, such assignees making proof thereof, upon oath or solemn affirmation before the commissioners, the commissioners are hereby required to issue a warrant to such person[*s*] as they shall think

proper, for apprehending such bankrupt, and him to commit to the county goal, there to remain in close custody until[l] he shall conform to the satisfaction of the commissioners and be by the commissioners, or by due course of law, discharged; and such goaler is required to keep such person in close custody within the walls of the prison, under the penalties before mentioned for suffering such prisoner[s] to escape.

Time for making a second dividend.

[Sect. 46.] And within eighteen months after the issuing of any such commission, the assignees shall make a second dividend, in case the estate was not wholly divided upon the first, and shall cause notice to be inserted in all the publick Boston newspapers, for three weeks successively, of the time and place the commissioners intend to meet, to make a second dividend, and for the creditors who shall not before have proved their debts to come and prove the same; and at such meeting every assignee shall produce, upon oath or affirmation, his accounts, and what upon the bal[l]ance shall appear to be in his hands shall, by like orders of the commissioners, be forthwith divided, which second dividend shall be final, unless any suit shall be depending, or any part of the estate standing out, or unless some future estate of the bankrupt shall afterwards come to the assignees, in which case the assignees shall, as soon as may be, convert such future estate into money, and shall within two months after, by the like order of the commissioners, divide the same.

And notice of the meeting to be given in Boston newspapers, &c.

Assignees on oath to produce accounts.

Second dividend to be final, unless.

No lessee of lands, &c., to be deemed bankrupt.

[Sect. 47.] And no lessee of lands, grazier or drover, or receiver of taxes, shal[l] be intitled, as such, to the benefits given by this act, or be deemed a bankrupt. And upon the petition of any person, the commander-in-chief may order such commissions, depositions, proceedings and certificates to be ent[e]red of record; and in case of the death of the witnesses proving such bankruptcy, or in case the said commissions or other things shall be lost, a copy of the record[s] of such commissions or things, signed and attested as herein is mentioned, may be given in evidence to prove such commissions and bankruptcy, or other things; and all certificates to be allowed and ent[e]red of record, or a true copy of every certificate, signed and attested as herein is mentioned, shall and may be given in evidence in any [of the] courts of record, and without further proof, taken to be a bar and discharge against any action for any debt contracted before the issuing of such commission, unless any creditor of the person that hath such certificate shall prove that such certificate was fraudulently obtained; and the several clerks of the inferiour courts of common pleas where said bankrupt last dwelt, shall, in their several offices, enter of record such commissions and other things and have the custody of the entries thereof, and all persons shall be at liberty to search and have copies of them; and there shall not be paid out of the estate of the bankrupt any monies for expences in eating or drinking of the commissioners or of any other persons, at the times of the meetings of the commissioners or creditors; and no schedule shall be annexed to any deed of assignment of the personal estate of such bankrupt; and if any commissioner shall order such expence to be made, or eat or drink at the charge of the creditors or out of the estate of such bankrupt, or receive above five shillings each commissioner for each day on which they shall meet, every such commissioner shall be disabled to act in any commission of bankrupts.

Commander-in-chief, on petition, to order commissions, &c., to be put on record, &c.

Certificates recorded, &c., may be given in evidence, unless fraudulently obtained.

Clerks of the inferior courts to record commissions, &c.

Expenses for eating and drinking not to be paid out of the bankrupt's estate, &c.

[Sect. 48.] And the commissioners shall not be capable of acting until[l] they have respectively taken an oath to the effect following; viz[t].,—

Commissioner's oath.

I, A. B., do swear that I will faithfully, impartially and honestly, according to the best of my skill and knowledge, execute the several powers and

trusts reposed in me as a commissioner in a commission of bankruptcy against , and that without favour or affection, prejudice or malice. So help me God.

Commissioners to administer oath to each other.

—which oath any two of the commissioners are impow[*e*]red to administer to each other, and they are required to keep a memorial thereof, signed by them, amongst the proceedings on each commission.

Commissions of bankruptcy not to abate by the demise of his majesty, &c.

[SECT. 49.] And no commission of bankruptcy shall abate by the demise of his majesty, his heirs or successors, but shall continue in force, and if it shall be necessary to renew any commission by reason of the death of the commissioners or any other cause, such commission shall be renewed, and only the fees usually paid shall be paid for such renewed commission.

And be it further enacted,

Action, &c., brought against any commissioner, &c.

[SECT. 50.] That if any action of trespass or other suit shall happen hereafter to be brought against any commissioner, or any other person or persons having authority by virtue or under the commission authorizing the said commissioner for the doing or executing any matter by force of this act, that the defendant or defendants in any such action or suit may plead not guilty or otherwise justify that the act or thing, whereof the plaintiff or plaintiffs complained, was done by the authority of this act, without expressing or rehearsal of any other matter of circumstance contained in this act, and without inforc[e]ing him or them to shew forth their commission authorizing the said act or thing, whereunto the plaintiff shall be admitted to reply, that the defendant did the fact supposed in the declaration of his own wrong, without any such cause alledged by the defendant, whereupon the issue in such action shall be joined, to be tried by verdict of twelve men, and upon the trial of that issue the whole matter may be given by both parties in evidence according to the very truth of the same; and if [*the*] verdict upon such issue shall pass for the defendant, the defendant shall have costs.

Defendant may plead not guilty, &c.

Plaintiff admitted to reply, &c.

Trial to be by verdict of twelve men.

Costs.

Provided, always,—

And be it further enacted,

Proviso in case of any bankrupt's death, &c.

[SECT. 51.] That if, after any commission of bankruptcy hereafter sued forth and dealt in by the commissioners, the bankrupt happen to die before the commissioners shall distribute the goods, lands and debts of the bankrupts or any of them, by force of this act, that then, nevertheless, the said commissioners shall and may in that case proceed in execution, in and upon the said commission, for and concerning the bankrupt's goods, lands, tenements, hered[e][*i*]taments and debts in such sort as they might have done if the bankrupt were living.

And be it further enacted,

Commissioners, or the major part of them, have power by deed indented, &c., to grant and sell lands, &c.

[SECT. 52.] That the said commissioners or the major part of them shall have power, by virtue of this act, by deed indented and duly registred within two months after the making thereof in the county where such lands lie, to grant, bargain, sell and convey any lands, tenements or hereditaments, whereof any bankrupt is or shall be in any ways seized of any estate intail, in possession, reversion or remainder, and whereof no reversion or remainder is or shall be in the king's majesty, his heirs or successors, to any person or persons for the relief and benefit of the creditors of all such bankrupts; and that all and every such grants, bargains, sales and conveyances shall be good and available in the law to such person or persons and their heirs, against the said bankrupt, and against all and every the issues of the body of such bankrupts, and against all and every person or persons claiming any estate, right, title or interest by, from or under the said bankrupts, after such time as such person shall become bankrupt, and against all and every other person or persons whatsoever, whom the

Grants, &c., to be good against bankrupts and their heirs, &c.

said bankrupt, by common recovery or other ways or means might cut[t] off or debar from any remainder, reversion, rent, profit, title or possibility into or out of any the said lands, tenements or hereditaments.

And be it further enacted,

Bankrupts conveying lands, &c., in consideration of redemption.

[Sect. 53.] That if any person, that now is or shall hereafter become a bankrupt, have heretofore granted, conveyed or assured, or shall at any time hereafter grant, convey or assure, any lands, tenements, hereditaments, goods, chatt[e]l[e]s or other estate unto any person or persons, upon condition or power of redemption at a day to come, by payment of money or otherwise, or have by law a right of redemption therein, or where bonds shall be given for reconveyance of any real estate, upon payment of money or other thing at a certain day, that it shall and may be lawful to and for the said commissioners or the greater part of them, before the time of the performance of such condition or agreement or right of redemption be expired, to assign and appoint, under their hands and seals, such person or persons as they shall think fit, to make tender or payment of money or other performance according to the nature of such condition, agreement or right of redemption, as fully as the bankrupt might have done; and that the said commissioners or the greater part of them, shall, after such tender, payment or performance, have power to sell and dispose of such lands, tenements, hereditaments, goods and chattels and other estates so granted, conveyed or assured upon condition, to and for the benefit of the creditors, as fully as they may sell or dispose of any the estate of the bankrupt.

Commissioners may appoint persons to make tender, &c.

After tender, commissioners' power to dispose of lands, &c.

Provided, further,—

Proviso.

[Sect. 54.] That no purchaser for good and valuable consideration shall be impeached by virtue of this act, unless the commission to prove him or her a bankrupt be sued forth against such bankrupt within five years after he or she shall become a bankrupt.

And be it further enacted,

Discharge of any bankrupt by this act not to extend to his partner.

[Sect. 55.] That the discharge of any bankrupt, by force of this act, from the debts by him owing, at the time that he did become a bankrupt, shall not be construed to discharge any other person who was partner with the bankrupt in trade, or stood jointly bound, or had made any joint contract, together with such bankrupt.

Persons giving credit on securities, &c., payable at a future day, to have a dividend, &c.

[Sect. 56.] And every person, who shall give credit, on securities payable at future days to persons who are or shall become bankrupts, upon good consideration, *bonâ fide*, for money or other thing not due before the time of such person's becoming bankrupt, shall be admitted to prove their securities or agreements, as if they were payable presently, and shall have a dividend in proportion to the other creditors, discounting six per cent from the actual payment to the time such money would have become due, and the bankrupt shall be discharged from such securities as if such money had been due before the time of his becoming bankrupt.

And be it further enacted,

When persons shall fraudulently swear or affirm, and sign consent for the discharge of any bankrupt, &c.

[Sect. 57.] That when any persons shall fraudulently swear or depose, or being of the people called Quakers affirm, before the major part of the commissioners named in any commission of bankrup[t]cy or by affidavit or affirmation exhibited to them, that a sum of money is due to him or her from any bankrupt or bankrupts, which shall in fact not be really and truly so due or owing, and shall, in respect of such fictitious and pretended debt, sign his or her consent to the certificate for such bankrupt's discharge from his debts, that in every such case, unless such bankrupt shall, before such time as the major part of the

said commissioners shall have signed such certificate, by writing by him to be signed and delivered to one or more of the said commissioners, or to one or more of the assignees of his estate and effects under such commission, disclose the said fraud and object to the reality of such debt, such certificate shall be null and void to all intents and purposes, and such bankrupt shall not in that case be [e][*i*]ntitled to be discharged from his debts, or to have or receive any of the benefits or allowances given or allowed to bankrupts by this act, anything herein contained to the contrary thereof in anywise notwithstanding.

Limitation of the act.

[SECT. 58.] This act to be and continue in force for five years from the publication of it, and no longer. [*Passed August* 31; *published September* 1.

"To the Right Hon^ble the Lords of the Committee of his Maj^ty's most Hon^ble Privy Council for Plantation Affairs.

My Lords,

Your Lordships having been pleased by your Order dated the 9th of May last to refer to our consideration fifty-seven acts pass'd in the Province of the Massachusets Bay in the years 1756 and 1757, amongst which there is one entitled,

An Act for providing Remedy for Bankrupts and their Creditors: and several of the principal Merchants trading to the said Province, apprehensive that their interests would be greatly affected by this Act, having made application to be heard against it, We thought it our duty to take it into our immediate consideration And having accordingly been attended by the said Merchants as well as by the Agent for the Massachusets Bay and heard what each party had to offer for and against the said Act, We beg leave to report to Your Lordships thereupon;

That it appears to us, upon consideration of the whole matter, that a Bankrupt Law, though it be just and equitable in it's Abstract principle, has always been found in it's execution to afford such opportunities for fraudulent practices that even in this Country, where, in most causes, the whole number of Creditors are resident on the spot, it may well be doubted, whether the fair Trader does not receive more detriment than benefit from such Law. But if a like Law should take place in a Colony, where (as we are inform'd) not above a tenth part of its Creditors are resident, and where that small proportion of the whole, both in number & value, might (as under the present Act they might) upon a Commission being issued, get possession of the Bankrupts Effects, and proceed to make a dividend, before the Merchants in England who make the other nine tenths of the Bankrupts Creditors could ever be informed of such Bankruptcy, it is easy to foresee that such a Law can be beneficial to the very small part of the Creditors resident in the Colony only and that the nine tenths of them who reside here would be exposed to frauds and difficulties of every sort and might be greatly injured in their properties.

For these reasons We beg leave to lay the said Act before your Lordships, with our humble opinion, that it should forthwith receive His Majesty's Disallowance.

We are, My Lords, Your Lordships most obed^t & most humble Servants.

DUNK HALIFAX.
JAMES OSWALD.
SOAME JENYNS."

Whitehall
June 29, 1758.

— *Report of the Lords of Trade to the Lords of the Committee of the Privy Council:* "*Mass. Bay, B. T.,*" *vol.* 85, *p.* 1, *in the Public-Record Office.*

ACTS

Passed at the Session begun and held at Boston, on the Twenty-third day of November, A. D. 1757.

CHAPTER 13.

AN ACT IN ADDITION [TO] AN ACT, INTIT[*U*]LED "AN ACT FOR REGULATING THE HOSPITAL ON RAINSFORD'S ISLAND, AND FURTHER PROVIDING IN CASE OF SICKNESS."

Preamble. 1756-57, chap. 33, § 4.

Whereas, in and by an act, intit[*u*]led "An Act for regulating the hospital on Rainsford's Island, and further providing in case of sickness," it is provided, "that when and so often as any ship or other vessel, wherein any infection or infectious sickness hath lately been, shall come to any port or harbour within this province; or when and so often as any person or persons belonging to, or that may either by sea or land come into, any town or place near the publick hospital within this province, shall be visited, or who lately before may have been visited with any infectious sickness, two of the justices of the peace or selectmen of such place be and hereby are impowered immediately to order the said vessel and sick persons to the province hospital or house aforesaid, there to be taken care of." But no penalty is annexed to the breach of the afore-recited paragraph of said act; wherefore,—

Be it enacted by the Governour, Council and House of Representatives, That when any ship or other vessel, wherein any infectious sickness is or hath lately been, shall come to any port or harbour in this province, and either two justices or the selectmen of the place shall order the said vessel to the province hospital, and the master or mariners of such vessel shall refuse or delay, by the space of six hours after said order given to said master or either of the owners of said vessel or of the factors of either of said owners, to come to sail, if wind and weather permit, in order to proceed to said hospital, the master of said vessel shall forfeit and pay the sum of one hundred pounds and suffer six months' imprisonment; one half of said fine to be to the informer or prosecutor, and the other half to the poor of the town or district to which such port or harbour belongs, the offender to be prosecuted in any court of justice proper to try the same. [*Passed January* 25; *published January* 26, 1758.

Justices of the peace, &c., to order infectious vessels or persons to the hospital.

Penalty for disobedience to the act.

CHAPTER 14.

AN ACT FOR RAISING THE SUM OF ONE THOUSAND TWO HUNDRED POUNDS BY LOTTERY, FOR BUILDING AND MAINTAINING A BRIDGE OVER SACO AND PESUMPSCOT RIVERS, IN THE COUNTY OF YORK.

Preamble.

WHEREAS the eastern part of said county of York has been formerly broke up by the enemy, and the getting troops to their relief is extreamly difficult, if not impracticable, in some seasons of the year, there being no passing in boats or any other way over the rivers of Saco and Pesumpscot[t], and the building a bridge over said rivers will be of public service,—

Be it therefore enacted by the Governour, Council and House of Representatives,

Lottery allowed to be set up for building and maintaining a bridge over Saco and Presumpscot rivers, in the county of York.

[SECT. 1.] That Sir William Pepperrell, Baronet, Daniel Moulton, Edward Milliken, Joseph Sayer and Rushworth Jordan, Esq[rs]., Mess[*ieu*]rs Benjamin Chadburn and Stephen Longfellow or any three of them be and hereby are allowed and impowered to set[t] up and carry on a lottery or lotteries, which shall amount to such a sum as, by deducting ten per cent out of each prize, will raise the sum of one thousand two hundred pounds, to be appl[y][*i*]ed by them or any three of them, towards building and maintaining a good and sufficient bridge over each of said rivers of Saco and Pesumpscot[t], at or near the lower falls of said rivers, and for defreying the necessary charges of the lottery aforesaid.

And the said Sir William Pepperrell, Daniel Moulton, Edward Milliken, Joseph Sayer, Rushworth Jordan, Esq[re]., Benjamin Chadburn and Stephen Longfellow or any three of them may and hereby are impowered to make all necessary rules for the regular proceeding therein, and shall be sworn to the faithful[l] discharge of their trust aforesaid, and be answerable to the owners of the ticket[t]s and for any deficiency or misconduct; and that the monies so raised shall be appl[y][*i*]ed for the uses and purposes aforesaid and no other.

[SECT. 2.] And if the sum raised shall be more than sufficient, after paying of the charges of the lottery, to build the said bridges, the surplusage shall be lodged in the hands of the treasurer of the county of York, to be drawn out and appl[y][*i*]ed towards repairs of the said bridges. [*Passed January* 11, 1758.

CHAPTER 15.

AN ACT FOR INCORPORATING A NECK OF LAND CALLED MER[*R*]ICONEAG NECK, AND CERTAIN ISLANDS ADJACENT IN THE COUNTY OF YORK, INTO A SEPERATE DISTRICT BY THE NAME OF [*HARPSWELL*].

Preamble.

WHEREAS the inhabitants of Mer[*r*]iconeag Neck and the islands adjacent have humbly represented to this court the difficulties and great inconvenienc[*i*]es they labour under in their present situation, and have earnestly requested that they may be invested with the powers, privileges and immunities of a district; therefore,—

Be it enacted by the Governour, Council and House of Representatives,

Lands in the county of York

[SECT. 1.] That the said neck of land, beginning where Brunswick line intersects the upper end of said neck, which is four rods above the

narrows of said neck, commonly called the carrying place, from thence, including the whole of said neck, down to the sea, together with the islands adjacent hereafter mentioned; viz[t]., Great Sebascodegin Island alias Shapleigh's Island, Little Sebascodegin Island and Will's Island lying to the southeast side of said neck, Birch Island, White's Island and the two Goose Islands lying on the northwest side of said neck, and Damariscove Islands lying at the lower end of said neck, be and hereby are incorporated into a seperate district by the name of Harpswell. erected into a district. Bounds thereof.

[Sect. 2.] And the inhabitants of said neck of land and islands shall be and hereby are invested with all the powers, privileges and immunities that the several towns in [the] [*this*] province by law do or may enjoy, that of sending a representative only excepted. Their powers, &c.

And be it further enacted,

[Sect. 3.] That John Minot, Esq[uire], be and hereby is impowered to issue his warrant to some principal inhabitant of the said district, requiring him, in his majesty's name, to warn and notify the said inhabitants qualified to vote in town affairs, to meet together at such time and place in said district, as by said warrant shall be appointed, to chuse such officers as the law directs and may be necessary to manage the affairs of said district; and the said inhabitants being so met shall be and hereby are impowered to chuse officers accordingly. [*Passed January* 25; *published January* 26, 1758. Inhabitants, how to be notified.

CHAPTER 16.

AN ACT MAKING PROVISION FOR THE QUARTERING AND BILLETING RECRUITING OFFICERS AND RECRUITS IN HIS MAJESTY'S REGULAR FORCES EMPLOYED FOR THE PROTECTION AND DEFENCE OF HIS MAJESTY'S DOMINIONS IN NORTH AMERICA.

Whereas the provision made by this government for quartering his majesty's troops in barracks at Castle William is found inconvenient for the purposes of such recruiting parties as are or may be employed in his majesty's service within this province,— Preamble.

Be it therefore enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That when, and so often as, during the continuance of this act, application shall be made, by any recruiting officer or officers in any of the troops that are or may be employed in his majesty's service for the protection and defence of his majesty's colonies upon the continent of North America, to any of the selectmen of any town or district within this province, or in the default or absence from the respective towns and districts of any selectmen, to any one justice of the peace for the county inhabiting in or near such town or district, such selectmen and such justice are hereby required to quarter and billet such recruiting officers and such recruits in his majesty's service in any of the public houses within such town or district licenced for the selling within doors wine, rum or other strong liquors by retail; and the officers and soldiers so quartered and billeted as aforesaid shall be received and furnished with diet and small beer or cyder by the occupiers of such licenced houses in which they may be quartered and billeted, payment and allowance to be made therefor, by such recruiting officers as shall demand quarters, at such rates and within such time as is established and regulated by act of parliament for quartering and billeting officers Recruiting officers, on application, to have quarters provided by the selectmen, or, in default or absence of the selectmen, by a justice of the peace, on public houses who are to furnish them with diet, &c. Payment of quarters to be made by officers within such time and at such rates as is

established by act of parliament.

and soldiers in England, Wales and the town of Berwick upon Tweed; viz., for one commission officer of foot, under the degree of a captain, for his diet and small beer, per diem, one shilling sterling; and if such officer shall have an horse or horses, for each such horse or horses, for their hay and straw, per diem, sixpence sterling; for one foot soldier of the recruiting party or recruits, diet and small beer, per diem, fourpence sterling.

Provided, also.—

And be it further enacted,

Persons aggrieved, to whom to apply, and in what way and manner they shall be received, &c.

[SECT. 2.] That in case any person shall find himself aggrieved, in that any selectman has quartered or billeted in his house a greater number of soldiers than he ought to bear, in proportion to his neighbours, and shall complain thereof to one or more justice or justices for the county where such soldiers are quartered, or in case such soldiers shall have been quartered by a justice of the peace, then, on complaint made to two or more justices of the peace for the county, such justices respectively shall have and have hereby power to relieve such person by ordering such and so many of the soldiers to be removed or quartered upon such other person or persons as they shall see cause, and such other person or persons so licenced shall be obliged to receive such soldiers accordingly.

And be it further enacted,

Penalty for any selectman or justice of the peace refusing or neglecting to quarter officers and soldiers, or that shall receive a reward, &c.

[SECT. 3.] That if any selectman or justice of the peace shall neglect or refuse, for the space of two hours, to quarter or billet such officers or soldiers when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of any recruiting parties, or shall receive, demand, contract or agree for any sum or sums of money, or any reward whatsoever, for or on account of excusing, or in order to excuse any person or persons whatsoever, from quartering or receiving into his, her or their house or houses any such officer or soldier, or in case any occupier of any public licenced house liable by this act to have any officer or soldier billeted and quartered on him or her, shall refuse to receive and victual any such officer or soldier so quartered and billeted upon him or her as aforesaid, according to the directions of this act, and shall be thereof convicted before two justices of the peace for the county where such offence shall be committed, one of which justices to be of the quorum, either by his or her own confession, or by the oath of one or more credible witness or witnesses, every person so offending shall forfeit to his majesty for every such offence the sum of five pounds sterling, or any sum of money not exceeding five pounds sterling nor less than forty shillings sterling, as the said justices before whom the matter shall be heard shall in their discretion think fit, to be levied by distress and sale of the goods of the person offending, by warrant under the hands and seals of the justices before whom such offender shall be convicted, to be directed to the sheriff of the county, his deputies or any constable of the town where the offender shall dwell, such fine or forfeiture to be paid into the province treasury and to be applied to the public charges of this government.

Or occupier of any public house who shall refuse or neglect to quarter officers and soldiers.

To be levied by distress.

Applied to the charges of the government.

Limitation.

[SECT. 4.] This act to continue and be in force from the first day of December, this present year, unto the first day of December, in the year of our Lord one thousand seven hundred and fifty-eight, and no longer. [*Passed and published December* 1.

CHAPTER 17.

AN ACT TO EXEMPT THE PEOPLE CALLED QUAKERS FROM THE PENALTY OF THE LAW FOR NON-ATTENDANCE ON MILITARY MUSTERS.

Preamble.

Whereas, since the commencement of the present war, it has been judg'd necessary, for the more speedy levying of soldiers for his majesty's service and the defence of the province, that general musters of the several companies of horse and foot should be had on certain days appointed for that purpose, and such days have by law been appointed accordingly; and every person liable to train who should neglect to attend such musters was subjected to a penalty of twenty pounds: *unless* his attendance was necessarily and unavoidably prevented; *and whereas*, by reason that no express exemption of the people called Quakers was made in those laws, divers suits for the recovery of the aforesaid penalty have been commenced against them, altho' they profess to be conscientiously scrupulous of attending in arms at military musters, and thereupon divers petitions from persons of that perswasion have been prefer[r]'d to this court for relief in that behalf; wherefore,—

Be it enacted by the Governour, Council and House of Representatives,

Quakers exempted from the penalty for not attending military musters.

[Sect. 1.] That such of the inhabitants of this province, as are called Quakers, be henceforth exempted from every penalty heretofore by law imposed, for not attending military musters and that every such penalty or forfeiture already incurred by persons of that denomination, for the recovery whereof judgment has not been rendered, be wholly remitted, save where suit has already been brought, in which case judgment may be rendered for the plaintif[*f*] to recover his reasonable costs, and that no judgment for the recovery of such penalty heretofore rendered, or execution thereon issued or to be issued, shall be accounted of any force or validity for the levying or recovering more of the said forfeiture than what by law is appropriated to the use of the military clerk who commenced the suit whereon such judgment was recovered, together with costs of suit; and the estate only, and not the body, of any person of that denomination shall be liable to be taken by any such execution.

Penalty to be remitted, save where the suit has already been brought, in which case judgment, &c.

Estate only liable to execution.

And be it further enacted,

Quakers imprisoned, to be set at liberty.

Execution levied on goods, &c.

[Sect. 2.] That every such person, whose body has been taken and imprisoned for such penalty, shall be forthwith discharged and set at liberty; and where any execution has been levyed on goods or other estate, and more thereof has been taken than is sufficient to satisfy one third part of such forfeiture and costs, in such case the overplus shall, without delay, be returned to the owner: *provided*, *nevertheless*, that the military clerk, at whose suit any Quaker has been imprisoned, shall have liberty, after such Quaker shall have been discharged from his imprisonment, to take out an alias execution against his estate only for one third part of the penalty aforesaid, together with his reasonable costs.

Proviso respecting military clerks taking out an alias execution.

Provided,

Proviso respecting money paid into the hands of the chief officers of any company.

[Sect. 3.] That nothing in this act shall extend, or be construed to extend, to the reimbursement of any money actually paid into the hands of the chief officer of any company, and by him *bona fide* applyed to the raising his quota of the eighteen hundred men, for the service of the present year, by order of this government.

And be it further enacted,

Any person against whom suit has been

[Sect. 4.] That any person against whom suit has heretofore been brought for the penalty aforesaid, producing certificate in writing under

brought, producing a certificate in writing, &c.

the hands of three or more of the principal members of any society of that denomination, that such person had, before the publication of the act upon which such suit was founded, professed himself to be of that perswasion, and that they verily believe him to be conscientiously so, shall be [i][e]ntitled to the benefit in this act before mentioned.

And to the intent it may be the better known what persons are of that perswasion, and to be deemed such within the intention of this act,—

Be it further enacted and declared,

Lists of quakers liable by law to impresses to be taken in writing, and by whom to be certified, &c.

[SECT. 5.] That upon lists being taken in writing under the hands of three or more of the principal members of each society of Quakers within this province, setting forth in each list the names of the several members of such society liable by law to impresses, the towns or places to which they belong and the military companies within the districts whereof they severally dwell therein, also certifying that they verily believe that the several persons in such list named are sincerely of that perswasion, and that they usually attend their meetings for the worship of God on the Lord's days; in such case the several persons in such list named shall be adjudged to come within the intention of this act and shall be exempted from future impresses and all military exercises whatever: *provided*, that effectual care be taken that, some time in the month of March, annually, such lists be lodged, one with the clerk of each town or district and chief officer of each military company, and one with the colonel or chief officer of the regiment to which the persons in such list named do severally belong, or in the limits whereof they dwell; also that a certificate in writing be procured from such colonel or chief officer of the regiment, which he is hereby required to deliver when thereto desired, setting forth the whole number of persons liable to impresses belonging to his regiment, including and particularly setting forth the number and names of the Quakers living within the districts thereof, according to the list of Quakers to be lodged with him as aforesaid, and that such certificate be, some time before the fifteenth day of April, annually, during the continuance of this act, transmitted to and lodged in the secretary's office of this province.

The persons with whom said lists shall be lodged.

Certificate to be procured from the colonel or chief officer, who is required to give the same.

Which are to be filed in the secretary's office before the fifteenth of April, annually.

And to the intent that persons of that denomination may bear their just proportion of the charge that may be incur[r]'d for the necessary defence of the province,—

Be it further enacted,

When necessary, to impress men for his majesty's service.

[SECT. 6.] That when and so often as it shall be found necessary that a number of men should be raised within the several towns and districts in this province by impress for his majesty's service, then and in that case there shall be a computation made of the number of Quakers in every regiment wherein any such there be, and no more men shall be impressed in either of those regiments than their respective quota, compared with other regiments, exclusive of Quakers.

A computation to be made of Quakers, &c.

And be it further enacted,

Captain or chief officer to certify the number of Quakers in his company.

[SECT. 7.] That the captain or chief officer of every military company in which there are any persons of that denomination, shall, within one month after recieving orders to make any impress, certify to the clerk of the town or district to which such company belongs, what number of Quakers in proportion to the rest of the company would have been liable to have been impressed, if they had not been exempted as being of that perswasion; and for each Quaker who would have been so liable, the sum of thirteen pounds six shillings and eightpence shall be added to that town or district's proportion of the next province tax; and the assessors, in making their assessment, shall apportion and assess such sum or sums upon and among such and only such persons belong-

Tax levied on Quakers.

ing to such town or district as are of that perswasion, and in such manner and proportion as they are liable to pay to other taxes.

And be it further enacted,

[Sect. 8.] That every military officer, who shall neglect his duty by this act enjo[y][i]ned, shall forfeit and pay the sum of ten pounds; one moiety thereof to be for the use of the province, and the other moiety to him or them who shall inform and sue for the same in any court proper to try the same. Penalty on military officers for neglect, &c.

Provided,—

[Sect. 9.] That nothing herein contained shall be construed to extend to the inhabitants of Nantucket[t], who are to attend and observe the rules and directions in the law of this province relating to the inhabitants of that island, made in the twenty-ninth year of his present majesty's reign. Proviso with respect to the inhabitants of Nantucket. 1755-56, chap. 32

[Sect. 10.] This act to continue and be in force for the term of three years from and after the thirtieth day of December instant, and until the end of the then next session of the general court, and no longer. [*Passed and published December* 31. Continuance of this act.

CHAPTER 18.

AN ACT IN ADDITION TO THE SEVERAL ACTS OF THIS PROVINCE FOR REGULATING THE MILITIA.

Whereas it is found necessary that further provision be made for arming and disciplining the militia,— Preamble. 1693-4, chap. 3. 1738-39, chap 5. 1742-43, chap. 16

Be it enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That the captain or chief officer of each military foot company shall instruct and employ his company in military exercises six days in a year for two years from the first day of March next; viz., on the second and third Mondays in April, the first Monday in May, the first Tuesday in June, the last Monday in October, and the Tuesday following the same Monday; and on each of said days he shall make a strict enquiry into the state of the arms and ammunition of his company, on penalty of five pounds for each day he shall be negligent in his duty; that every person from the age of sixteen to sixty, not exempted by law, shall appear with arms and ammunition according to law, and attend his duty each of the aforesaid days, on penalty of nine shillings for not appearing and attending his duty; and for not appearing with arms and ammunition, shall be subject to the same penalties as, by law, already provided for not being furnished with arms and ammunition: and that the captain or chief officer of each troop or military company of horse, shall exercise his company four days in each year; viz., the second and third Mondays in April, the last Monday in October, and the Tuesday next following the same Monday; and on each of said days shall make strict inquiry into the state of his company, how each man is armed, equipped and provided with ammunition, on penalty of five pounds for each day such captain or chief officer shall be guilty of neglect in his duty in this respect: and every trooper or person belonging to the troop of guards, or to any troop or company of horse, shall, upon each of the same days, appear compleat in arms and ammunition, and equipped according to law, and attend his duty, on penalty of ten shillings each day for not appearing and attending his duty; and for not appearing armed, equipped and furnished according to law, shall be subject to the same

Each foot company, when to be exercised.

Arms, &c., to be inquired into

Penalty for neglect.

Persons liable to be exercised.

Penalty for non appearance.

Each troop, when to be exercised.

Troopers' arms, to be inquired into.

Penalty for neglect.

Penalty for trooper's non-appearance.

Penalty for not being armed, &c.

penalties as, by law, is already provided for not being duly armed, equipped and furnished as the law directs: that the clerk of each military company, on oath, on each training-day, unless unavoidably prevented, shall take a list of the troop and company, and against each man's name note his appearance or non-appearance, and how he is provided with arms and ammunition, and shall in two days deliver the same to the chief officer of the troop or company, on penalty of five pounds: that the captain or chief officer, before he excuses any person for any neglect of duty, shall be under oath not to excuse any not excused by law, either through favour, affection, reward received, or hope of reward: that the captain or chief officer shall enter on the said list the persons' names by him excused, and the reasons for which they are excused, and in six days return the same list to the clerk, on penalty of five pounds: that the clerk, on oath, in thirty days, shall prosecute each delinquent, non-commission officer and soldier, who shall not have been so excused by the captain or chief officer, on the penalty of twenty shillings for each neglect.

Clerks to take a list, &c.

Time to deliver list to the captain or chief officer, on penalty.

Captain to be under oath for excusing persons.

The clerk, on oath, to prosecute delinquents. Penalty for neglect.

Be it further enacted,

[SECT. 2.] That all offences committed against any clause of this act by any officer or officers, where a forfeiture is given, shall be enquired into, tryed and determined by the chief officers of the regiment, and levied by warrant, under the hand of the chief officer, in the way and manner as is provided by the act of King William and Queen Mary for regulating the militia; and the colonel or chief officer of any regiment shall, as soon as may be after the knowledge of such offences, call a meeting of the chief officers of the regiment, and issue his process against any such offender, which shall be served fourteen days before the meeting of the officers for the trial. And the clerk of each troop or military foot company, or prosecutor, is required and enjoined to give information of all such offences committed by any officers, to the colonel or chief officer of his regiment.

Offences committed by officers to be determined as provided by the act of King William and Queen Mary, &c.

1693-4, chap. 3.

And be it further enacted,

[SECT. 3.] That every person, except troopers, who is by law obliged to be furnished with arms and ammunition, shall be provided with a powder-horn or horns, with one pound of powder in the same, on penalty of two shillings, and with forty bullets fit for his gun, on the like penalty for each neglect; that any soldier, born on the training-lists in the several regiments, shall be excused from any penalty for not being furnished with swords, in case they provide themselves and appear with good hatchets.

Persons, except troopers, how to be furnished with arms, &c.

And be it further enacted,

[SECT. 4.] That every person borne on the alarm list, and not on the train band, shall, on the first Monday in May, and the last training day in the year, annually, between three and five of the clock in the afternoon, and while the trained bands shall be under arms, carry or send his arms and ammunition into the field to be viewed; and in case any person shall neglect or refuse to carry or send his arms and ammunition into the field as aforesaid, unless unavoidably prevented, he shall be liable to the same penalty for each day's neglect, as if he had not such arms and ammunition.

Persons on the alarm list to have their arms, &c., viewed.

And be it further enacted,

[SECT. 5.] That every person, that shall neglect or refuse to attend a review, or regimental muster, shall pay the sum of fifteen shillings; and that every person in the frontiers of this province, liable to bear arms, when ordered by the chief officer of the regiment, shall carry his arms and ammunition with him to the place of publick worship, and to his labour in the field, on pain of forfeiting six shillings for each neglect.

Penalty for neglect, or refusing regimental musters.

Persons in the frontiers to carry arms, &c.

Be it further enacted,

[Sect. 6.] That one half of the non-commission officers and private soldiers, liable to train, shall be furnished with a good bayonet, with a steel blade, not less than fifteen inches long, fitted to his gun, with a scabbard for the same, for which bayonet and scabbard there shall be paid out of the publick treasury not exceeding seven shillings, and that the captain or chief officer of each foot company shall take effectual care that they be so provided; and an account thereof shall be presented by said officer to the governour and council for allowance and payment, for which bayonet and scabbard each non-commission officer and soldier so provided shall be accountable to this government, unless under the age of twenty-one years, and for such as are minors, their parents, guardians or masters, respectively, shall be so accountable; and each non-commission officer and soldier, drummers excepted, shall, upon every training-day muster, review or alarm, after they are provided with bayonets as aforesaid, appear with the same, on penalty of two shillings for each neglect.

Non-commission officers and soldiers to be provided with bayonets, and in what manner, &c.

Penalty for not appearing with bayonets, &c.

And be it further enacted,

[Sect. 7.] That the captain or chief officer of each foot company, as soon as may be after the commencement of this act, and before the tenth day of March next, is hereby enjoined to call his company together under arms, and, after enquiring into the state of them, is hereby impowered and directed to choose from among said arms such as he shall judge most suitable to be provided with bayonets, to the amount of one half the whole number; and the respective soldier or soldiers to whom such selected arms belong, shall observe and obey such directions and orders respecting their being provided with bayonets, as he or they shall receive from the captain or chief officer of the company, on penalty of twenty shillings for non-observance of, or disobedience to, such directions and orders as he or they shall receive for the purposes aforesaid.

Every foot company to be under arms, &c., before the tenth day of March, &c.

Penalty for non-observance of the orders of the captain, &c.

And be it further enacted,

[Sect. 8.] That the penalty for any person not appearing and attending orders upon an alarm, unless unavoidably prevented, shall be the sum of ten pounds, or six months' imprisonment; and if any person shall be guilty of mutiny or desertion, and be thereof convicted, he shall either be punished with death, without benefit of clergy, or suffer some other grievous punishment, as shall be adjudged necessary by the court before whom he shall be tried, according to the nature and aggravation of his offence.

Penalty for non-appearance on alarm.

Penalty for mutiny or desertion.

And whereas, by an act of this province, made in the twelfth year of the reign of his late majesty King William the Third, intitled "An Act for putting the militia of this province into a readiness for a defence of the same", it is enacted, "That all persons commissioned by the captain-general or commander-in-chief of this province for the time being, to bear office in any military company or troop within the same, be and hereby are impowered and authorized, by virtue of such commission, when and as occasion shall require in the cases, and to the intents and purposes abovesaid, to arm, array and weapon the company or troop respectively under their command, or part of them, and by force of arms to encounter, repel, pursue, kill and destroy any that shall appear in hostile manner to attempt or enterprize the destruction, invasion, detriment or annoyance of any of his majesty's subjects, forts, garrisons, towns or plantations within this province; and that such officer or officers so taking to arms, shall forthwith dispatch notice to his or their superiour officer of his or their motion, and the occasion thereof, and observe such commands and orders as he or they shall from time to time receive from him;" and also, "That the colonel or chief offi-

1699-1700, chap. 17, §§ 1 and 2.

Recital of an act made in the twelfth year of King William the Third, for putting the militia of the province into a readiness for a defence of the same.

cer of each regiment be and hereby is impowered and authorized, as occasion shall require, in any of the cases, and to the intents before mentioned, from time to time to assemble in martial array, and put into warlike posture the whole militia of the regiment under his command, or such part of them as he shall think needful, upon any alarm, invasion or notice of the appearance of an enemy by sea or land; and the regiment, companies or troops so armed, arrayed and put into warlike posture, or part of them, to lead, conduct and employ, or to appoint some other fit person, by writing under his hand, to lead, conduct and employ them, as well within the regiment and county whereto they belong, as into any other adjacent county or place within this province, for the assisting, succouring and relieving any of his majesty's subjects, forts, garrisons, towns or places that shall be assaulted by an enemy, or in danger thereof, and with such party, companies or troops, by force of arms, to encounter, repel, pursue, kill and destroy such enemy, or any of them, by all fitting ways, enterprizes and means whatsoever; and the colonel or chief officer of such regiment so taking to arms, or sending forth any party of men, shall forthwith post away the intelligence and occasion thereof unto the captain-general or the commander-in-chief for the time being, and shall attend and observe such directions and orders as he shall receive from him; and in case it happen the colonel or chief officer of any regiment be out of the limits or precincts of the regiment for which he is or shall be commissionated at the time of any invasion, attack or appearance of an enemy, or alarm given from any of the neighbouring towns or regiments, the next commission officer then within the regiment shall have, use and exercise the same powers and authorities hereinbefore granted until the return of the colonel or other superiour officer; and such officer so acting shall post away the intelligence thereof, with the occasion for the same, as aforesaid, unto the captain-general, or the commander-in-chief for the time being, and shall attend and observe such directions and orders as he shall receive from the captain-general or commander-in-chief therein." But no penalty is therein provided to oblige officers and private men to obey such orders as shall be given pursuant to the true intent of the same act,—

Be it therefore enacted,

Penalty for any officer or private man refusing or neglecting to obey the orders of his superior officer.

[SECT. 9.] That if any officer or private man in the militia shall refuse or wilfully neglect to obey such order of his superiour officer as shall be given pursuant to the true intent of the same act, he shall forfeit and pay the sum of ten pounds, or, in default thereof, suffer six months' imprisonment.

And be it further enacted,

Forfeitures arising by this act to be recovered agreeable to the acts for regulating the militia, fourth and fifth of King William and Queen Mary, unless specially provided for, &c. 1693-94, chap. 3, § 27.

[SECT. 10.] That all forfeitures, arising by virtue of this act or any breach thereof, shall be recovered in the way and manner as is provided by the act for regulating the militia of this province, made and passed in the fourth and fifth year of King William and Queen Mary, where in this act it is not otherwise specially provided, and shall be disposed of, one quarter part thereof to the prosecutor, and the remainder by him to be paid into the town, district, precinct or parish treasury where the said company or the major part thereof or captain of the troop belongs, to be drawn out again by the captain or chief officer of the troop or company whence such forfeiture arose, so far as shall be necessary for procuring or repairing drums, trumpets, colours and halberts, paying drummers, trumpeters, and for procuring soldiers for his majesty's service, and improved for the benefit of such troop or company respectively, when and so often as any man or men shall be demanded of said troop or company for said service, and for no other uses or purposes whatsoever. And the clerks of the military companies are hereby

Clerks to pay

required to pay over all such forfeitures as they shall receive to the treasurers as before mentioned respectively, at or before the first day of March, annually, and such treasurers are hereby impowered and required to demand, sue for, recover and receive the same. forfeitures to town treasurers, &c.

And be it further enacted,

[Sect. 11.] That this act shall be read at the anniversary meeting of the inhabitants of each town and district through the province, in the month of March, annually; and also, that the chief officer of each company cause the same to be read before his company on the second Monday in April, each year, during the continuance thereof. This act to be read at the anniversary meeting of each town, &c.

And be it further enacted,

[Sect. 12.] That the captain of the troop of guards, and of every independant company, shall, upon their oath, on or before the first Monday of April next, and annually, transmit into the secretary's office a list of every person borne on their respective rolls, and who by them are excused from mustering on days of muster, and the reasons of their excuse, on penalty of forfeiting and paying for each neglect five pounds. Captains of the troop of guards, &c., to transmit lists of their companies to secretary's office.

[Sect. 13.] And every captain or chief officer in this act mentioned, on or before the first Monday of April next, is hereby enjoined to make solemn oath that he will faithfully discharge the trust by this act reposed in him and the duties hereby enjoined him, according to the best of his skill and understanding, on penalty of forfeiting and paying five pounds. Each captain, &c., to make oath.

[Sect. 14.] This act to be and continue in force for the space of two years from the first day of March next, and no longer. [*Passed January* 25; *published January* 26, 1758. Limitation.

CHAPTER 19.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED AND WINE, AND UPON LIMES, LEMMONS AND ORANGES.

We, his majesty's most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous to lessen the present debt of the province, have chearfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the end and use above mentioned, and for no other use, an excise upon all rum and other spirits distilled, and upon all wines whatsoever, and upon lemmons, limes and oranges, to be raised, levied, collected and paid in manner and form following:— Preamble.

And be it accordingly enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and fifty-eight, and until the twenty-sixth day of March, one thousand seven hundred and fifty-nine, every person already licenced, or that shall be hereafter licenced, to retail rum or other spirits distilled, or wine, shall pay the duties following:— Time of this act's continuance.

For every gallon of rum and spirits distilled, eightpence.
For every gallon of wine of every sort, twelvepence.
For every hundred of lemmons or oranges, eight shillings.
For every hundred of limes, three shillings.

—And so proportionable for any other quantity or number.

And be it further enacted,

[Sect. 2.] That every retailer of rum, wine or spirits distilled, taverner, innholder and common victualler, shall, on the twenty- Accounts to be taken.

sixth day of March next, take a just and true account, in writing, of all wine, rum and spirits distilled, and of all limes, lemmons and oranges then by him or her, or in his or her possession; and that every person who shall be hereafter licenced to be taverner, innholder, common victualler and retailer of wine, rum or spirits distilled, shall take a like account of all wine, rum and other spirits distilled, and of limes, lemmons and oranges by him or her, or in his or her possession, at the time of such licence granted; and that every taverner, innholder, common victualler and retailer of rum or other spirits distilled, or wine, shall make a fair entry, in a book by them respectively to be kept for that purpose, of all such rum or other spirits distilled, or wine, as he or she, or any person or persons for him or her, shall buy, distill, take in or receive after such first account taken, and when and of whom the same was bought and taken in; and at the expiration of every half year shall take a just and true account how much thereof then remains by them; and shall, in writing, under their hands, render to him or them that shall collect the duties aforesaid the whole of those several accounts, and shall also make oath, in the form following, before such collector or collectors, who are hereby impowered to administer the same:—

Form of the oath.

You, A. B., do swear that the account by you now rendered is, to the best of your knowledge, a just and true account of all the wines, rum and distilled spirits, limes, lemmons and oranges you had by you, or in your possession, on the twenty-sixth day of March, one thousand seven hundred and fifty-eight, and also of all the wine, rum and other distilled spirits bought, distilled, taken in or received by you, or by any person or persons for or under you, or by or with your knowledge, allowance, consent or connivance, and that there still remains thereof in your possession unsold, so much as is in this account said to remain by you unsold; and that you do not know or believe that there hath been by you, or by any other person or persons for or under you, or by your or their order, allowance, consent or connivance, either directly or indirectly, sold, used or consumed any wine, or any liquor for, or as, wine; any rum or distilled spirits, or liquor for, or as, rum or distilled spirits; or that there hath been any limes, lemmons or oranges by you, or by any person or persons for or under you, or by your order, consent, allowance or connivance, used or consumed in making punch, or otherwise, since the said twenty-fifth day of March, besides what is contained in the account by you now rendered. So help you God.

Penalty for collectors receiving accounts without oath.

—and every collector of the excise who shall receive any account from any person in consequence of this act, without their making oath to the same as aforesaid, shall forfeit and pay for the use of this government the sum of twenty pounds.

Oath to be varied.

[SECT. 3.] And for every person that was not licenced on the same twenty-sixth day of March, the form of the oath shall be so varied, as that instead of expressing the day aforesaid, the time of taking and rendering their last account shall be inserted and used; and for every person rendering an account after the first, the oath shall be so varied, as that instead of expressing the day aforesaid, the time of taking and rendering their last accounts shall be inserted and used.

Duties to be paid to the collector.

[SECT. 4.] And every such taverner, innholder, common victualler and retailer shall pay the duties aforesaid to him or them that shall collect the same, or the whole of the several articles mentioned in such account rendered, save only for such part thereof as remains in their hands unsold: *provided, nevertheless*, that for leakage, &c., ten per cent shall be allowed them on all liquors in such account mentioned, besides what remains in their hands unsold.

Ten per cent allowed for leakage.

And be it further enacted,

Taverner, &c., to give bond.

[SECT. 5.] That every person hereafter licenced to be a taverner, innholder common victualler or retailer of any wine, rum or spirits distilled

shall, within thirty days after such licence granted, and before he or she sell by virtue of the same, not only become bound to keep good rule, &c., as by law is already required, but shall also become bound, with sufficient sureties, by way of recognizance, to his majesty, for the use of this government, in a sufficient sum, to be ordered by the court that grants the licence, which sum shall not exceed three hundred pounds nor be less than fifty pounds, conditioned that they shall keep and render the accounts aforesaid, and pay the duties aforesaid, as in and by this act is required.

And be it further enacted,

Forfeiture for neglect in keeping and rendering account.

[Sect. 6.] That every such taverner, innholder, common victualler and retailer, who shall neglect or refuse to take, keep and render such accounts as by this act are required, or that shall neglect or refuse to take the oath aforesaid, shall forfeit and pay, to him or them that shall collect the duties aforesaid, double the sum which the court of general sessions of the peace in that county shall adjudge that the duties of excise upon the liquors, limes, lemmons and oranges by such taverner, innholder, common victualler or retailer, or by any for or under him or them, sold, used or consumed would have amounted to; and no persons shall be licenced by the justices of the general sessions of the peace who have not accounted with the collector, and paid him the excise aforesaid, due from such person at the time of his or her taking or renewing such licence.

Preamble.

And whereas, notwithstanding the laws made against selling strong drink without licence, many persons not regarding the penalties of said acts, do receive and entertain persons in their houses, and sell great quantities of spirits and other strong drink, without licence; by reason whereof great debaucheries are committed and kept secret, and such as take licences and pay the duties of excise therefor are greatly wronged, and the government thereby defrauded,—

Be it therefore enacted,

Forfeiture for selling without license.

[Sect. 7.] That if any distiller, importer or any other person whatsoever, after the said twenty-fifth day of March, shall presume, directly or indirectly, to sell any rum or other distilled spirits, or wine, in less quantity than twenty-five gallons, or any beer, ale, cyder, perry or other strong drink, in any quantity less than ten gallons, without licence first had and obtained from the court of general sessions of the peace in that county, recognize in manner as aforesaid, shall forfeit and pay for each offence, the sum of four pounds, lawful money, and costs of prosecution, two thirds for the use of the government and the other third for the prosecutor; and all such as shall neglect or refuse to pay the fine aforesaid, shall stand closely committed in the common goal of the county, and not have the liberty of the goaler's house or yard, until said sum of four pounds is paid, with costs; and any goaler giving liberty contrary to this act, shall forfeit and pay the said sum of four pounds, to be disposed of in manner aforesaid, and costs of prosecution.

And whereas, in order to elude the design of this act, some persons may join together and buy wine, rum, brandy and other spirits distilled in quantities above twenty-five gallons, and afterwards divide the same among themselves in lesser quantities,—

Be it therefore enacted,

Persons not licensed joining together in purchasing liquors and dividing the same, liable to a forfeiture.

[Sect. 8.] That where two or more persons, not licenced as aforesaid, shall join together, and purchase rum, brandy or other spirits distilled, or wine, or shall employ any other person not licenced as aforesaid to do it, and shall afterwards divide the same, or cause it to be divided among themselves, or otherwise, in lesser quantities than twenty-five gallons, they shall be deemed and taken to be sellers of

such rum, brandy and other distilled spirits and wine, and each and every of them shall be subject to the same pains, penalties and forfeitures as any person by this act is who shall sell rum or other spirits distilled, or wine, without licence first had and obtained.

And whereas some doubts have arisen whether the lending or delivering rum, brandy or other spirits distilled, or wine to others for their use, upon agreement or in confidence of having the like liquors returned again, be a sale thereof; wherefore, for removing all such doubts,—

Be it enacted,

Liquors lent or delivered on the above consideration, to be deemed a sale.

[SECT. 9.] That all rum, brandy and other spirituous liquors and wine, lent or delivered to others for their use, upon such like consideration, is, and shall be deemed and taken to be, an absolute sale thereof. And that every person not licenced as aforesaid, that shall order, allow, permit or connive at the selling any rum, brandy or other distilled spirits, or wine, contrary to the true intent and meaning of this act, by his or their child or children, servant or servants, or any other person or persons in or belonging to his or her house or family, shall be deemed and taken to be the seller of such liquors, and be subject to the aforesaid pains and penalties provided against such offenders, and shall be recovered in like manner: *provided*, that if it shall be made appear that the liquors lent or delivered as aforesaid, shall have had the duties paid upon them, or were purchased of any person or persons having licence or permit, the person lending or delivering the same, as aforesaid, shall not be subject to the aforesaid pains and penalties.

Preamble.

And whereas divers other persons than those licenced to sell rum and other distilled spirits by retail, have heretofore supplied persons employed by them in the fishery, building vessels, and in other business, with rum and other liquors, without paying any excise thereon, and thereby have defrauded the government of the duty of excise, and have not been subject to the penalty provided by law against selling drink without licence, and the same practice will probably be continued, unless effectual care be taken to prevent the same,—

Be it therefore further enacted,

Persons not licensed supplying those employed by them in the fishery, &c., with spirituous liquors, to be deemed sellers.

[SECT. 10.] That all persons not licenced, as aforesaid, who hereafter shall, by themselves, or by any other person or persons under them, or by their order, allowance or connivance, supply any person or persons employed by them in the fishery, building of vessels, or in any other business or employ, with rum or other distilled spirits, or wine, shall be deemed and taken to be sellers of such liquors, and be subject to the aforesaid pains and penalties provided against persons selling any of the liquors aforesaid without licence, which shall be recovered in like manner, unless they make it appear that such wine, rum or other distilled spirits, was purchased of a taverner, innholder or retailer, or other person or persons that had licence or permit to sell the same.

And be it further enacted,

One witness sufficient for conviction.

[SECT. 11.] That when any person shall be charged with selling strong drink without licence, one witness produced to the satisfaction of the court or justice before whom the trial is, shall be deemed sufficient for conviction. And when and so often as it shall be observed that there is a resort of persons to houses suspected of selling strong drink without licence, any justice of the peace in the same county, shall have full power to convene such persons before him, to examine them upon oath concerning the persons suspected of selling or retailing strong drink in such houses, out-houses or other dependencies thereof; and if upon examining such witnesses, and hearing the defence of such suspected persons, it shall appear to the justice there is sufficient proof of the violation of this act by selling strong drink without licence, judgment may thereupon be made up against such person, and he shall

forfeit and * in like manner as if process had been commenced by bill, plaint or information before the said justice; or otherwise such justice may bind over the person suspected, and the witnesses, to the next court of general sessions of the peace for the county where such person shall dwell.

And be † *further enacted*,

Penalty for selling strong drink to negroes, mulattoes, &c.

[Sect. 12.] That when and so often as any person shall be charged with selling strong drink without licence to any negro, Indian or mollato slave, or to any child or other person under the age of discretion, and other circumstances concurring, it shall appear to be highly probable in the judgment of the court or justice before whom the trial shall be, that the person complained of is guilty, then, and in every such case, unless the defendant shall acquit him- or herself upon oath (to be administred to him or her by the court or justice that shall try the cause), such defendant shall forfeit and pay four pounds, one third to the informer, the other two thirds to the collector of excise for the use of the government, and costs of prosecution; but if the defendant shall acquit him- or herself upon oath as aforesaid, the court or justice may and shall enter up judgment for the defendant to recover costs.

And be it further enacted,

Penalty on persons refusing to give evidence.

[Sect. 13.] That if any person or persons shall be summoned to appear before a justice of the peace, or the grand jury, to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace, or other court proper to try the same, to give evidence on the trial of any person informed against, presented or indicted for selling strong drink without licence, and shall neglect or refuse to appear, or to give evidence in that behalf, every person so offending shall forfeit the sum of twenty pounds and cost of prosecution; the one half of the penalty aforesaid to be to his majesty for the use of the province, and the other half to and for the use of him or them who shall sue for the same as aforesaid. And when it shall so happen that witnesses are bound to sea before the sitting of the court where any person or persons informed against, for selling strong drink without licence, is or are to be prosecuted for the same, in every such case, the deposition of any witness or witnesses, in writing, taken before any two of his majesty's justices of the peace, *quorum unus*, and sealed up and delivered into court, the adverse party having first had a notification, in writing, sent to him or her of the time and place of caption, shall be esteemed as sufficient evidence, in the law, to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of trial, and given his, her or their deposition *viva voce;* and every person or persons who shall be summoned to give evidence before two justices of the peace, in manner as aforesaid, and shall neglect or refuse to appear, or to give evidence relating to the facts he or she shall be enquired of, shall be liable and subject to the same penalty as he or she would have been by virtue of this act, for not appearing, or neglecting or refusing to give his or her evidence before the grand jury or court as aforesaid.

And be it further enacted,

How fines are to be recovered.

[Sect. 14.] That all fines, forfeitures and penalties arising by this act shall and may be recovered by bill, plaint or information, before any court of record proper to try the same; and, where the sum forfeited doth not exceed four pounds, by bill, plaint or information before any one of his majesty's justices of the peace in the respective counties where such offence shall be committed: which said justice is hereby impowered to try and determine the same. And said justice shall make a fair entry or record of all such proceedings: *saving always*

* The word "pay," evidently omitted. † The word "*it*," evidently omitted. [Both these words are in the bill, and the latter is in the recorded act.]

to any person or persons who shall think him-, her- or themselves aggrieved by the determination of the said justice, liberty of appeal therefrom to the next court of general sessions of the peace to be holden within and for said county, at which court such offence shall be finally determined: *provided*, that in the same appeal the same rules be observed as are already required, by law, in appeals from justices, to the court of general sessions of the peace: *saving, only*, that the recognizance for prosecuting the appeal shall be eight pounds.

Be it further enacted,

Collector to settle accounts.

[SECT. 15.] That every collector shall settle all accounts relating to said excise in the several towns of the county where he is collector, first giving seasonable and publick notice of the time and place or places where said business shall be transacted.

And be it further enacted,

Collectors of the excise to be appointed by the general court.

[SECT. 16.] That there be one or more collectors in each county appointed by the general court, or by the court of general sessions of the peace, where it shall happen that such collector refuse to accept said office, or be removed by death or for mismanagement, to take charge of this duty of excise, who shall have power to inspect the houses of all such as are licenced, and of such as are suspected to sell without licence, which collectors shall be upon oath to take care of the execution of this law, and to prosecute the breakers of it.

[SECT. 17.] And every collector of the excise in any county may substitute and appoint one or more deputy or deputies under him, upon oath, to collect and receive the excise aforesaid which shall become due in said county, and pay in the same to such collector, which deputy and deputies shall have, use and exercise all such powers and authorities as, in and by this act, are given or committed to the collector for the better collecting the duties aforesaid, or prosecuting offenders against this act; for the doings of which deputies, the collectors, respectively, shall be accountable.

[SECT. 18.] And the said collectors shall carefully examine the accounts of every licenced person in their respective counties, and demand, sue for, and receive the several sums due from them by this act, and shall give in an account under their hands, of the particular sums they receive, together with the names of the persons of whom received, unto the treasurer upon oath; which oath the treasurer is hereby impowered and directed to administer in the words following; viz.,—

Form of the oath.

You, A. B., do swear that this is a just and true account of the excise upon all wines, rum and distilled spirits, limes, lemmons and oranges by you received or secured to be paid you in the county of ; and that the person by whom such excise was paid or secured to be paid to you, were sworn in manner and form as by law is prescribed. So help you God.

Collectors to give two receipts for every sum received.

[SECT. 19.] And at the time of receiving any money, the said collector shall give two receipts of the same tenor and date, mentioning what sum or sums they have received from any taverner, innholder, common victualler or retailer; one of which receipts to be by the said taverner, innholder, common victualler or retailer returned to the court of general sessions of the peace within their respective counties, at the next session of such court, and the clerks of the said court shall, within twenty days after receipt thereof, transmit the same to the treasurer or receiver-general.

[SECT. 20.] And such collectors shall pay into the public treasury of this province all such sums as they shall receive within six months from the date of their commission, and so from time to time within the space of six months, as long as they shall continue in such office,

on pain of forfeiting the reward given such collectors by this act, who shall be allowed, in the county of Suffolk, one and a half per cent; in the county of Essex and Middlesex, and Plymouth, two per cent, and in the other counties, three per cent on all money by them collected and paid into the treasury, as aforesaid: each collector, before he enter into the said office to give bond, for treble the sum that it was farm'd for, in the respective county, the last year, to the treasurer of this province, for the time being, and his successors in said office, with sufficient sureties, for the faithful discharge of his duty, and that he will duly pay in the money that he shall collect, to the treasurer of the province, for the time being; which bond shall be executed before the next court of general sessions of the peace in the respective counties after such appointment, where the said collectors live, and be transmitted to the treasurer of the province by the clerk of the peace within such county, within three months after the bond is executed; and the said treasurer shall put in suit the bonds of all such collectors, who shall neglect to make due payment within thirty days after either of the times of payment.

Collectors' fees.

Bond to be given to the treasurer for treble the sum that the excise was farmed for.

And be it further enacted,

[Sect. 21.] That in case any collector of the excise as aforesaid, or his deputy, shall, at any time during their continuance in said office, wittingly and willingly connive at, or allow, any person or persons within their respective divisions, not licenced by the court of general sessions of the peace, their selling any wine, rum or other liquors by this act forbidden, such collector or deputy, for every such offence, shall forfeit the sum of fifty pounds and costs of prosecution; one half of the penalty aforesaid to be to his majesty for the use of this province, the other half to him or them that shall inform and sue for the same, and shall be thenceforward forever disabled for serving in said office: *saving*, that said collector may give a permit to any person to sell rum or other spirits distilled, or wine, in quantity from twenty-five gallons and upwards, agreeable to this act.

Penalty for collectors or deputies offending.

Provided, *always*, *and it is the true intent and meaning of this act*,—

[Sect. 22.] That if any taverner or retailer shall sell to any other taverner or retailer any quantity of whatsoever distilled liquors and wine, such taverner or retailer, selling as aforesaid, shall not be held to pay such duty, but the taverner or retailer who is the purchaser shall pay the same; and the seller as aforesaid, shall and hereby is required to deliver to the collector of this duty, a true account of such liquors sold as aforesaid, and to whom sold.

Proviso.

And to the end that the revenue arising from the excise upon spirituous liquors may be increased and raised with more equality,—

Be it enacted,

[Sect. 23.] That from and after the twenty-fifth day of March, one thousand seven hundred and fifty-eight, to the twenty-sixth day of March, one thousand seven hundred and fifty-nine, upon all rum and other distilled spirits, and all wine, imported and manufactured, and sold for consumption within this province, there be laid and hereby is laid the duty of excise following; viz.,—

Duties to be paid upon all liquors imported or manufactured.

For every gallon of rum and spirits distilled, eightpence;

For every gallon of wine of every sort, one shilling: to be paid to the collector of excise, or his deputy, by every person having permit to sell the said liquors in each county, respectively.

And be it further enacted,

[Sect. 24.] That every person that shall import any of the liquors aforesaid, or to whom any of them shall or may be consigned, shall be and hereby is prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his

Liquors not to be sold by the importer, &c., without a permit.

deputy; which permit shall be had and procured before the landing of such liquors. And every person distilling or manufacturing any of the said liquors, and every person owning or possessing any of them, excepting such as are or may be licenced by the court of general sessions of the peace, as aforesaid, shall be and hereby are prohibited from selling the same, or any part thereof, without having a permit so * do from the collector of excise, or his deputy, on forfeiture of two hundred pounds, and of the value of the liquors so sold; and the said permit shall express the particular shop, warehouse, or distil-house where the said liquors shall be permitted to be sold, and if any person who shall have such permit shall sell and deliver, or cause to be sold and delivered, any of the liquors aforesaid from any place or places not mentioned in such permit, he shall forfeit four pounds, to be paid, one third to the prosecutor, and the other two thirds to the collector, for the use of this government.

Provided, nevertheless,—

Proviso.

[SECT. 25.] That the impost officer, and his deputy, shall be and hereby are respectively impowered to grant a permit for selling the liquors aforesaid, or any of them, to any person applying for the same, until a collector be appointed in each county, respectively, to whom the duty or excise shall be paid as aforesaid, and until the collector shall give public notice of his appointment as aforesaid. And the said impost officer, and deputy, shall transmit to the collector of each county an account of the permits by each of them respectively granted to persons living in such county.

And be it further enacted,

Collector applying to a justice for a warrant, may search for liquors supposed to be concealed.

[SECT. 26.] That if the said collector or his deputy, shall have information of any place where any of the liquors aforesaid shall have been sold by any person not having permit, as aforesaid, he may apply to any justice of the peace within the county, for a warrant to search such place, and said justice shall grant such warrant, directed to some proper officer, upon said collector or deputy's making oath that he hath had information as aforesaid, and that he hath just cause to suspect that the liquors aforesaid, or some of them, have been sold at such place informed of as aforesaid, and having such warrant, and being attended by such officer, the said collector, or his deputy, may, in the day-time, between sunrising and sun-setting, demand admittance of the person owning or occupying such place, and upon refusal, shall have right to break open said place, and finding such liquors, may seize and take the same into his own custody; and the collector aforesaid, or his deputy, shall be and hereby is impowered to command assistance and impress carriages necessary to secure the liquors seized as aforesaid; and any persons refusing assistance or preventing said officers from executing their office, shall forfeit five pounds to his majesty, for the use of the province; and the said collector, or his deputy, shall make reasonable satisfaction for the assistance afforded, and carriages made use of, to secure the liquors seized as aforesaid; and the collector, or his deputy, shall then file an information of such seizure in the inferiour court of common pleas for the county wherein such seizure shall be made: which court shall summon the owner of such liquors, or the occupier of the shop, house, warehouse or distil-house where the same were seized, to appear and shew cause, if any he hath, why the said liquors so seized should not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or make default, the said liquors shall be adjudged forfeited, and the said court shall order them to be sold at public vendue, and the neat produce of such sale shall be paid, one third to the prosecutor, the other two thirds to the collector, for the use of this government.

* The word "to," omitted; it appears in the recorded act.

Provided,—

[Sect. 27.] That if the liquors seized as aforesaid be less in quantity than one hundred gallons, the collector, or his deputy, shall file an information thereof with one of the justices of the peace within the county where the seizure shall be made, who shall summon the owner or occupier aforesaid in manner as aforesaid, and if such owner or occupier shall not shew cause, or shall make default as aforesaid, he shall adjudge such liquors forfeited, and shall order them to be sold as aforesaid, and the neat produce of such sale to be disposed of as aforesaid: *saving* to the person convicted the liberty of an appeal, he entring into recognizance to the king, for the use of the province, in the sum of fifty pounds. Proviso.

Be it further enacted,

[Sect. 28.] That every person having permit as aforesaid, shall, at the end of each half year, respectively, from the twenty-fifth day of March, one thousand seven hundred and fifty-eight, be ready to render to the collector aforesaid, or his deputy, an account, on oath, of all the liquors aforesaid by him or her, and by any person or persons on his or her behalf, sold; and also of all the aforesaid liquors by him or her imported, distilled or manufactured, or which have come into his or her possession since the twenty-fifth day of March aforesaid, except the same were bought of a licenced person in a quantity less than twenty-five gallons, which in his or her family have been consumed or expended within each half year, respectively: which account shall express the number of gallons of each kind of the liquors so sold and consumed, and shall pay therefor to the said collector or his deputy the duty aforesaid, excepting for so much as shall have been sold to taverners, innholders or retailers having licence from the sessions as aforesaid, or to any other persons having permit as aforesaid; and so much as shall have been exported out of this province; and if any of said liquors shall have been sold to persons licenced by the sessions, or to persons having permit, said account shall exhibit the names of such licenced persons who purchased, and persons having permit, and the time when they purchased the same; and the person accounting shall exhibit a certificate under the hand of the licenced or permitted person purchasing, which shall express the number of gallons, and the kind of the liquors purchased, and the time when the same was purchased, and the name of the town and county wherein such licenced or permitted person lives, and shall lodge the said certificate with the said collector or his deputy; and for the quantity of said liquors mentioned in such certificate, the said collector or his deputy shall not demand any duty, but shall deliver said certificate to the collector of the county wherein such licenced or permitted persons, signing the same, lives: which last-mentioned collector or his deputy shall settle with such licenced or permitted person for the duty aforesaid which may be due from him or her. Persons having permit as aforesaid, to render an account to the collector at the end of every half year, saving, &c.

[Sect. 29.] And if any person, having a permit as aforesaid, shall ship or export any of the liquors aforesaid out of this province in a quantity not less than sixty gallons, and shall make a fair entry thereof with the collector aforesaid, or his deputy, and shall produce to such collector or his deputy, when he comes to settle his account of excise, one of the receipts or bills of lading given therefor by the master of the vessel on board which such liquors shall be shipped, or if it shall be carried out of the province by land or in small boats, then of the person who is master of the land-carriage or boat, expressing the quantity thereof and the time of their being shipped, and shall lodge such receipt or bill of lading with the collector or his deputy aforesaid, and at the same time shall swear that such liquors are *bonâ fide* sent, or intended Persons having permit as aforesaid, to give an account of liquors by them sent out of the province.

to be sent, out of this province, he or she shall not be held to pay thereon the duty aforesaid.

Persons not having permit, to render an account, &c.

[SECT. 30.] And if any person not having permit shall purchase for exportation out of this province any of said liquors in a quantity not less than sixty gallons of a person having permit, the purchaser shall make entry thereof with the collector or his deputy, and at the same time swear that such liquors are *bonâ fide* sent, or intended to be sent, out of this province, and shall within ten days after the purchase deliver one of the receipts or bills of lading given for such liquors, as aforesaid, to the person of whom he purchased the same, or be subject to pay the amount of the duty thereon to the person of whom he purchased as aforesaid, who shall pay such duty to the collector or his deputy; but if the purchaser aforesaid shall deliver such receipt or bill of lading as aforesaid, and it be lodged with the collector or his deputy, then, for the quantity of said liquors mentioned therein, the collector or his deputy shall not demand any duty.

Penalty for masters or others giving certificate without receiving the liquors.

[SECT. 31.] And if the master of any vessel, or any other person, shall give such certificate, receipt or bill of lading, without receiving the liquors mentioned therein; or if any person shall procure such certificate, receipt or bill of lading, with design to defraud the government, and shall be thereof convicted, they and each of them shall forfeit and pay the sum of one hundred pounds; two thirds for the use of this government, and the other third for the use of the prosecutor. And if any such certificate, receipt or bill of lading shall be forged, counterfeited or altered, the person forging, counterfeiting or altering shall incur the penalty of one hundred pounds.

Proviso.

Provided, nevertheless,—

[SECT. 32.] That the person having permit as aforesaid, shall not sell any of the liquors aforesaid in a quantity less than twenty-five gallons (to be sold and delivered to one person at one time), unless he or she hath licence from the court of general sessions of the peace, as aforesaid, on pain of incurring the several fines and penalties in the former part of this act laid upon those persons who sell the liquors aforesaid without licence.

Collectors to give certificate, on penalty.

Be it further enacted,

[SECT. 33.] That the collector aforesaid, or his deputy, when the exporter shall make an entry with him as aforesaid, or shall make an entry with him and swear as aforesaid, shall give to said exporter a certificate of such entry, or a certificate of such entry and oath, on penalty of one hundred pounds for the use of the exporter.

Persons applying for a permit, to give bond.

And be it further enacted,

[SECT. 34.] That every person applying to the collector or his deputy, or to the impost officer or his deputy, for a permit, shall give bond, for the use of this province, with two sufficient sureties, in a sum not exceeding two hundred pounds, nor less than twenty pounds, at the discretion of the two next justices of the peace, conditioned for the payment of the excise that shall become due according to the account to be exhibited by such person taking such permit; and no person shall have such permit of the impost officer until he hath given such bond.

Preamble.

And whereas the importer of any of the liquors aforesaid, or the person to whom they shall be consigned, may intend the same for his or her own private consumption, in which case such importer or consignee is not held by any preceeding part of this act to pay the duty or excise aforesaid; wherefore, in order to lay said duty or excise in as equal manner as may be,—

Persons importing liquors for private con-

Be it enacted,

[SECT. 35.] That every person that shall bring or import into this province, either by land, or water, carriage, any of the liquors afore-

said for his own private consumption, shall, at the end of each half year, respectively, make out an account expressing the kind and full quantity of the liquors aforesaid, imported or consigned as aforesaid; which account such importer or consignee shall render to the collector or his deputy, on oath, and shall pay to the said collector or his deputy, on the liquor or liquors mentioned in said account, the duty or excise aforesaid, deducting ten per cent for leakage, or pay treble duty or excise on the quantity so imported or consigned, to and for the use of the province. sumption, &c., to render account thereof to the collector.

[Sect. 36.] And if said collector or his deputy shall have reason to suspect any person of bringing or importing into this province, either by land, or water, carriage, any of the liquors aforesaid, without having rendered account and paid the duties or excise as aforesaid, the said collector may apply to any justice of the peace within the county where the suspected person lives, for a warrant or citation; and such justice is hereby impowered and required to cite or apprehend such suspected person to appear before him within twenty-four hours on a complaint made against him or her by the collector or his deputy touching the duty or excise aforesaid; which warrant or citation shall be served on or delivered to the suspected person himself or herself; and when the parties shall be before him, the said justice shall examine into the cause of complaint; and if it shall appear, either by confession of the party, or by the evidence of one credible witness, that such suspected person has, by him- or herself, or by any one on his or her behalf, imported, or has had any of the liquors aforesaid consigned to him or her, without having rendered an account thereof, or paid the duty or excise as aforesaid, such suspected person shall then render a full account, on oath, of the kinds and quality of the liquors imported or consigned as aforesaid, and shall pay on such liquors treble duty or excise as aforesaid, one third for the use of the prosecutor, the other two thirds for the use of this government, and costs. Collector may apply to a justice for a citation where he may suspect persons giving a false account, &c.

[Sect. 37.] And said justice is hereby impowered to make up judgment and award execution accordingly: *provided* the said treble duty exceed not four pounds; but if such duty exceed four pounds, then such justice shall bind the offender to answer his offence at the next court of general sessions of the peace for the county where the offence was committed, and such offender shall enter into recognizance, with two sufficient sureties, to answer for his offence, in the sum of fifty pounds; and any person or persons upon refusing to render such account and paying as aforesaid, shall forfeit fifty pounds, one third for the use of the prosecutor, the other two thirds for the use of this government, in lieu of such treble duty, to be recovered as is hereafter provided in this act.

[Sect. 38.] And if no confession be made by such suspected person, and no evidence produced as aforesaid, he or she shall then clear him- or herself from the complaint aforesaid, by taking an oath in the form following; viz.,—

You, A. B., do swear that you have not, directly or indirectly, either by yourself, or any person on your behalf, imported into this province any rum or spirits distilled, or wine, and that you have not had any of said liquors directly or indirectly consigned to you, but what you have paid the duty or excise upon, according to an act of said province, made in the thirty-first year of his majesty's reign, intitled "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." So help you God. Form of the oath.

—which oath the said justice is hereby impowered and required to administer.

Penalty for refusing to take the oath.

[SECT. 39.] And if such suspected person shall refuse to take said oath, and shall neglect to appear upon the citation aforesaid, he or she shall pay the cost of citation, and shall forfeit the sum of fifty pounds, one third for the use of the prosecutor, the other two thirds for the use of this government, and costs of prosecution; but if such suspected person shall take the said oath, the costs of citation or warrant shall be paid by the collector or his deputy, respectively, who applyed for such citation or warrant; who shall also pay to the person cited or apprehended, and taking said oath, the sum of twenty shillings.

And be it further enacted,

Collector to grant a permit, on penalty.

[SECT. 40.] That the collector, or his deputy, shall be and hereby is obliged to grant a permit, under his hand, to every person applying for the same, on penalty of two hundred pounds, to and for the use of the person making application; which permit shall be in the form following; viz.,—

Form of the permit.

You, A. B. of C., in the county of D., are hereby permitted to sell rum and other distilled spirits, and wine, or any of said liquors, at , in C. aforesaid, until the day of , one thousand seven hundred and fifty- , pursuant to an act of this province, made in the thirty-first year of his majesty's reign, intitled "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." Dated at C., this day of , 175 .

A. B., *collector (or deputy collector) of excise for the county aforesaid.*

And for such permit the said collector or deputy shall be entitled to receive twopence, and no more; and the like sum for an entry made with him, and the like sum for a certificate given by him.

And be it further enacted,

Collector to keep an office in each seaport town, &c.

[SECT. 41.] That the collector of excise, either by himself or his deputy, shall keep an office in each seaport town within his county, where he or his deputy shall give his attendance on every Thursday, from nine of the clock in the morning to twelve at noon, to grant permits, receive entries, give certificates, &c.

Provided,—

[SECT. 42.] That in the town of Boston such an office shall be kept, and attendance given on every Monday and Thursdays, within the hours aforesaid, of each of said days, respectively.

Provided, also,—

[SECT. 43.] That the said collector or his deputy, on application made, shall at any other time grant permits, receive entries, and give certificates as aforesaid.

Preamble.

And whereas persons not belonging to this province may import the liquors aforesaid, and take permit to dispose of the same, and may go out of the province before the time comes about when persons selling said liquors are held to account with the collector, and by that means may avoid paying the duty upon what has been so disposed of; for preventing whereof,—

Be it enacted,

Persons importing liquors as aforesaid, to give bond.

[SECT. 44.] That every person importing the liquors aforesaid, and applying to the collector or his deputy for a permit to sell the same, shall give bond to said collector in a sum not exceeding two hundred pounds, nor less than twenty pounds, at the discretion of the two next justices of the peace, with sufficient surety or sureties, that he will render to said collector or his deputy an account, on oath, of the kind and full quantity of the liquors aforesaid sold by him, or by any person or persons on his behalf, and that he will pay thereon the duty or excise aforesaid before he leaves the province; and if such person shall refuse to give such bond, the said collector or his deputy shall

not be obliged to grant him a permit, anything in this act to the contrary notwithstanding; and if such person shall sell any of the liquors aforesaid without permit, he shall be subject to all the penalties that other persons selling without permit are subject to; or if such person shall give bond as aforesaid, and shall leave the province before such bond be discharged, the collector may bring his action on said bond against the surety or sureties, for the recovery of the sum in such bond mentioned, which shall be, one third for the use of the prosecutor, the other two thirds for the use of this government.

Be it further enacted,

[Sect. 45.] That all fines, penalties and forfeitures, arising or accruing by any breach of this act, and not otherwise appropriated, shall be, two thirds to his majesty for the use of this government, and the other third for the use of the prosecutor; to be recovered by action, bill, plaint or information in any of his majesty's courts of record. [*Passed January* 25; *published January* 26, 1758.

How fines, &c., arising by this act, are to be disposed of.

CHAPTER 20.

AN ACT FURTHER TO EXEMPT PERSONS COMMONLY CALLED QUAKERS AND ANNABAPTISTS FROM PAYING MINISTERIAL TAXES.

Whereas the several acts for exempting persons commonly called Quakers and Annabaptists within this province from being taxed for and towards the support of ministers, are expired,—

Preamble. 1747-48, chap. 6. 1752-53, chap. 15 3 Gray, 34.

Be it enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That from and after the first day of February next, none of the persons commonly called Quakers or Annabaptists, who alledge a scruple of conscience as the reason of their refusal to pay any part or proportion of such taxes as are from time to time assessed for the support of the minister or ministers of any church, set[*t*]led by the laws of this province, in the town, district, precinct or parish where they dwell, shall have their poll, or estate real or personal in their own hands and under their actual improvement, taxed towards the settlement or support of such minister or ministers, nor for building or repairing any meeting-house or place of publick worship.

Quakers and Anabaptists exempted from taxes for ministers and meeting-houses.

And to the intent that it may be the better known what persons are of the perswasion of the people called Quakers, who are exempted by this act,—

Be it further enacted,

[Sect. 2.] That no person in any town, district, precinct or parish within the limits of this government, shall, for the future, be esteemed or accounted to be a Quaker, and have his poll or polls, or any estate to him or her belonging, exempted from paying a proportionable part of the ministerial taxes that shall be raised therein, but such whose name[s] shall be contained in a list or lists to be taken and exhibited on or before the first day of February next, and afterwards, during the continuance of this act, on or before the twentieth day of July, annually, to the assessors of such town, district, precinct or parish, and signed by three or more of the principal members of that meeting to which he or they belong, who shall therein certify that they verily bel[ei][*ie*]ve the persons whose names are inserted in said list or lists are really belonging thereto, and are conscien[t][*c*]iously of their perswasion, and

Rule for denominating persons Quakers, in the sense of the law.

that they do frequently and usually attend their meetings for the worship of God on the Lord's day.

And to the intent that the Annabaptists, who are truly such, and therefore exempted by this act, may be the better known and distinguished from those who pretend to be, but really are not of that perswasion,—

Be it further enacted,

Rule for denominating persons Anabaptists, in the sense of the law.

[SECT. 3.] That no person in any town, district, precinct or parish as aforesaid, shall be so esteemed or accounted to be an Annabaptist, as to have his or her poll or polls, or any estate to him or her belonging, exempted from paying a proportionable part of the ministerial taxes that shall be raised therein, but such whose names shall be contained in a list or lists to be taken and exhibited on or before the first day of February next, and afterwards, during the continuance of this act, on or before the twentieth day of July, annually, to the assessors of such town, district, precinct or parish, and signed by three principal members of the Annabaptist church to which he or they belong, and the minister thereof, if any there be, who shall therein certif[ie][y] that the persons whose names are inserted in said list or lists are really belonging thereto, that they verily believe them to be conscien[t][c]iously of their perswasion, and that they do frequently and usually attend the publick worship in such church on the Lord's day.

Limitation.

[SECT. 4.] This act to be in force for the space of three years from and after the first day of February, one thousand seven hundred and fifty-eight, and no longer. [*Passed January* 25; *published January* 26, 1758.

CHAPTER 21.

AN ACT FOR ALTERING A CLAUSE IN AN ACT MADE IN THE THIRTIETH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT TO PREVENT DAMAGES BEING DONE UNTO BILLINGSGATE BAY, IN THE TOWN OF EASTHAM, BY CATTLE AND HORSES FEEDING ON THE BEACH AND ISLANDS ADJOINING THERETO."

Preamble.

1756-57, chap. 31, § 4.

1756-57, chap. 31, § 5.

WHEREAS, by said act, liberty is given to Samuel Smith, Esq[r]., his heirs, &c[a]., to feed a certain number of cattle on the beach and islands therein mentioned, he performing several conditions in the act recited, among which one is mentioned by way of proviso; viz[t]., "That the said Samuel Smith, his heirs, executors or administrators, shall and do make and maintain a good and sufficient fence across the north part of the island," therein mentioned, and into the sea, which article is represented impracticable to be done; *and whereas* the town of Eastham, together with the said Samuel Smith, have petitioned that the paragraph relating to said fence, and into the sea, be taken off,—

Be it enacted by the Governour, Council and House of Representatives.

Clause in said act rendered void.

That that part of the proviso in said act above recited, relative to the fence aforesaid, be and hereby is declared null and void, and no longer [to] be esteemed as part of said act during its continuance. [*Passed January* 11; *published January* 26, 1758.

ACTS

Passed at the Session begun and held at Boston, on the Second day of March, A. D. 1758.

CHAPTER 22.

AN ACT TO PREVENT BRIBERY AND CORRUPTION.

Be it enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That if any person shall directly or indirectly give or engage to pay any sum of money, or other valuable consideration, to another, in order to induce such other person to procure for him by his interest, influence or any other means whatsoever, any office or place of trust within this government, and be thereof convict, shall forfeit a sum not exceeding one hundred pounds, nor less than twenty pounds, at the discretion of the court which shall have cognizance of the same, and be rendered forever after incapable of sustaining any office or place of trust within this province.

Persons who shall give or engage any sum of money, &c., for any office or place of trust, liable to a penalty.

And be it further enacted,

[Sect. 2.] That if any person shall receive of another any sum of money, or other valuable consideration, as a reward for procuring, or to procure, any office or place of trust within this government for any other person, and be thereof convicted, shall forfeit a sum not exceeding one hundred pounds, nor less than twenty pounds, at the discretion of the court which shall have cognizance of the same; and if such offender be in any such office, he shall, on the conviction, be disabled from holding the same, and be forever after incapable of sustaining any office or place of trust within this province.

Persons who shall receive any sum of money, &c., for procuring any office or place of trust, liable to a penalty.

And for the more easy conviction of such offenders,—

Be it further enacted,

[Sect. 3.] That if either of the parties offending as aforesaid shall give information, upon oath, against the other offending party, and shall duly prosecute said information, such informer shall be freed from every the penalties aforesaid.

Persons informing, freed from penalties.

[Sect. 4.] And all offences against this act shall be heard, tried and determined before the superiour court of judicature, court of assize and general goal delivery; and all pecuniary penalties accruing thereby shall be, one third thereof to the informer, and the other two thirds to the province. [*Passed March* 25; *published March* 27, 1758.

Offences to be tried before the court of assize.

CHAPTER 23.

AN ACT FOR REGULATING THE PROPRIETORS OF THE MEADOW AND FLAT GROUND WITHIN THE COVE CALLED THE LITTLE HARBOUR, IN THE TOWNSHIP OF HINGHAM, IN THE COUNTY OF SUFFOLK.

Preamble.

WHEREAS the proprietors of the meadow and flat ground within the cove called the Little Harbour, in the township of Hingham, in the county of Suffolk, in the year one thousand seven hundred and forty, at a great expence erected a dam at the mouth of said harbour, by means of which the same yearly produces a considerable quantity of thatch, but that a growing charge arises from time to time in keeping the said dam in repair, and that of letting in and drawing off the water as is necessary, and that the same for time to come may be well regulated, and the charge thereof equally born,—

Be it enacted by the Governo[u]r, Council and House of Representatives,

Proprietors invested with the powers and privileges of calling meetings, &c.

That the proprietors aforesaid be and hereby are invested with the same powers and privileges of calling and regulating meetings and choosing proper officers, as the proprietors of common and undivided lands by law are invested with; and by a major vote of the proprietors, to be collected according to their interest, may make [such] orders and rules as they shall judge necessary, touching the repairing or making any dam or dams and drawing off the water, and grant and raise any tax or taxes for the defreying their necessary charges to be assessed and levied on the several occupants of such meadow or flatts, in manner as by law publick taxes are to be levied. [*Passed March* 25; *published March* 27, 1758.

CHAPTER 24.

AN ACT [*FOR*] LAYING AN EMBARGO UPON SHIPS AND OTHER VESSEL[L]S IN THIS PROVINCE.

Preamble.

WHEREAS it is judged necessary for his majesty's service that an embargo should be laid upon ships and other vessel[l]s within this province,—

Be it enacted by the Governo[u]r, Council and House of Representatives,

Embargo on all vessels till the first of June, on penalty.

[SECT. 1.] That no vessel[l] shall sail or depart from any port or other place of this province out of it, 'till the first day of June next without leave first obtained from his excellency the governo[u]r, with the advice of his majesty's council; and if any vessel[l] shall sail or depart to any port or place out of said province without leave first had and obtained as aforesaid, the master of every vessel[l] so departing shall forfeit and pay the sum of two hundred pounds; and the owner or owners of every vessel[l] so departing shall forfeit and pay the sum of two hundred pounds, and the said last-mentioned forfeiture shall and may be recovered from any or either of the owners of such vessel[l], where more than one person shall be interested.

And be it further enacted,

No fishing vessels to sail to the banks of Newfoundland till the said first of June.

[SECT. 2.] That no fishing vessel[l] shall depart out of any port or place of this province to the banks of Newfoundland or any other of the banks before the said first day of June next without leave first had and obtained as aforesaid; and the owner or owners of any fishing vessel[l]

that may depart, contrary to the true intent and meaning of this act, shall forfeit and pay the like sum of two hundred pounds: *saving*, only such small vessel[l]s or boats as may be employed in catching of fish, and that shall not be absent more than six days at a time, extraordinary casualties excepted; the aforesaid penalties to be recovered by bill, plaint or information before any of his majesty's courts of record within this province. saving.

And be it further enacted,

[Sect. 3.] That all forfeitures by this act shall be, one half to his majesty, to be paid into the province treasury for the use of this province, the other half to him or them that shall inform and sue for the same. Forfeitures, how to be disposed of.

And be it further enacted,

[Sect. 4.] That it shall and may be lawful for the governo[u]r, with the advice of the council, at any time before the said first day of June next, to take off said embargo, or to extend it beyond said time not exceeding the twenty-second day of June next, under the same penalties, if his majesty's service will permit the one or shall require the other. [*Passed March* 25; *published March* 27, 1758. Power to take off or extend said embargo.

CHAPTER 25.

AN ACT PROVIDING FOR THE RECEPTION AND ACCOMMODATION OF HIS MAJESTY'S FORCES WITHIN THIS PROVINCE.

Be it enacted by the Governo[u]r, Council and House of Representatives,

[Sect. 1.] That when, and so often as, during the continuance of this act, it shall be judged necessary for the defence of his majesty's dominions or for carrying on measures against his enemies, that any of his majesty's regular forces should march through any of the towns or districts within this province, every taverner or innholder within such town or district, the taverners or innholders within the town of Boston only excepted, shall rec[ie][*ei*]ve and entertain within their respective houses and outhouses as many of such forces as can therein be rec[ie][*ei*]ved and accom[*m*]odated, and shall furnish their horses with hay; and if such forces shall not be provided with victuals, every such taverner or innholder shall furnish them with diet and small beer, payment or allowance to be made therefor as follows; viz[t]., for one commission officer of foot, under the degree of a captain, for his diet and small beer, per diem, one shilling sterling; and if such officer shall have an horse or horses, for each such horse or horses, for hay and straw, per diem, sixpence sterling; for each foot soldier's diet and small beer, sixpence sterling per diem; and so in proportion for part of a day. Regular forces marching through the province, to be provided with quarters, &c. Rates of quarters.

And be it further enacted,

[Sect. 2.] That upon complaint made to any justice of the peace for any of the counties in this province, respectively, that any taverner or innholder doth refuse to rec[ie][*ei*]ve and entertain any of his majesty's forces as aforesaid, such justice shall forthwith make enquiry into the grounds of such complaint, and shall thereupon, within two hours, determine and order how many of such forces shall be rec[ie][*ei*]ved into the house or outhouses of such taverner or innholder, and how many shall be furnished with diet and small beer, and how many horses shall be furnished with hay; and every taverner or innholder refusing or neglecting to rec[ie][*ei*]ve and entertain such and Complaint made against any taverner, innholder, &c. Penalty.

so many of the forces, and to provide hay for such and so many horses as shall be thus ordered, shall for each offence forfeit and pay the sum of ten pounds sterling.

And be it further enacted,

Governor, with the advice of the council, to authorize persons to provide quarters for his majesty's forces, in the town of Boston.

[SECT. 3.] That when and so often as, during the continuance of this act, any of his majesty's regular forces shall, for the defence of his dominions or for prosecuting measures against his majesty's enemies, be ordered to the town of Boston, it shall and may be lawful for the governo[*u*]r, with the advice of the council, to appoint, authorize or impower any person or persons to agree for, take up or impress such and so many houses and buildings in or near said town of Boston as shall be judged sufficient and necessary, together with the barracks already provided at Castle William, to rec[ie][*ei*]ve and accom[*m*]odate the whole number of forces that may be so ordered, and also to provide such barrack utensils and necessaries as shall be judged reasonable; the charge thereof to be advanced and paid out of the public[k] treasury, and an account thereof to be transmitted to the general of his majesty's forces for a reimbursement, or to the agent of this province in England in order to his solliciting the repayment of the same.

Limitation.

[SECT. 4.] This act to be and continue in force for three months from the last day of March, one thousand seven hundred and fifty-eight, and no longer. [*Passed March* 25; *published March* 27, 1758.

CHAPTER 26.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THIS PRESENT YEAR, INTIT[U]LED "AN ACT IN ADDITION TO THE SEVERAL ACTS OF THIS PROVINCE FOR REGULATING THE MILITIA."

Preamble.

1757-58, chap. 18, § 1.

WHEREAS, in and by an act made and passed this present year, intit[u]led "An Act in addition to the several acts of this province for regulating the militia," it is, among other things, provided and declared as follows; viz[t]., "that the captain or chief officer of each military foot company shall instruct and employ his company in military exercises six days in a year for two years, from the first day of March next; viz[t]., on the second and third Mondays in April, the first Monday in May, the first Tuesday in June, and the last Monday in October, and the Tuesday following such Monday"; "and that the captain or chief officer of each troop or military company of horse, shall exercise his company four days in each year; viz[t]., the second and third Mondays in April, the last Monday in October, and the Tuesday next following the same Monday;" — *and whereas* the great scarcity of labourers, which will be the natural consequence of raising within this government so large a body of forces as are proposed to be raised this present year, will make it necessary that those which are left be not called off from their labour,—

Be it therefore enacted by the Governo[u]r, Council and House of Representatives,

Captains or chief officers exempted from calling their companies and troops, &c.

[SECT. 1.] That no captain or chief officer of any foot company shall be held and obliged to call together, instruct or employ, his company as aforesaid, on the second or third Mondays in April, the first Monday in May, or the first Tuesday in June, this present year; and no captain or chief officer of any troop or military company of horse shall be held and obliged to exercise his company on the second or third Mondays in April, this present year; and no foot soldier nor trooper shall be liable

to any penalty for not appearing in arms on either of those days respectively, anything in the act aforesaid to the contrary notwithstanding.

Provided, always, and it is hereby declared, —

[Sect. 2.] That nothing in this act shall be construed or understood to exempt any officer or soldier in horse or foot from the duties and penalties in the aforesaid act, in case of an alarm on either of the days aforesaid. [*Passed March* 25; *published March* 27, 1758. Proviso.

CHAPTER 27.

AN ACT TO PREVENT SOLDIERS AND SEAMEN IN HIS MAJESTY'S SERVICE FROM BEING ARRESTED FOR DEBT.

For the more speedy and effectual levying of soldiers, and to prevent their being arrested for debt,— Preamble.

Be it enacted by the Governo[u]r, Council and House of Representatives,

[Sect. 1.] That no person, who is or shall be engaged in his majesty's service, either as a non-commission officer, private soldier or seaman, shall, during his continuance therein, be liable to be taken out of his majesty's service by any process or execution, unless for some criminal matter, for any sum under the value of twenty pounds; nor for any greater sum until oath shall be made by the plaintiff or plaintiffs, before one of the justices of the court out of which the execution or process shall issue, or before two justices of the peace, *quorum unus*, in the county where the plaintif[*f*] may happen to be, that to his or their knowledge there is, *bonâ fide*, due from such person as the process or execution is desired to issue against, twenty pounds at least, and was due on the first day of March, instant; and every non-commission officer, private soldier or seaman, whose body, contrary to the intent of this act, shall be arrested by mean process or execution after his engaging in said service, may and shall be set at liberty by two justices of the peace, *quorum unus*, in the county where such non-commission officer, private soldier or seaman, is taken, upon application made by him or his superior officer, and proof of his being ent[e]red into the service aforesaid. Soldiers and seamen in his majesty's service, not liable to be arrested. Oath for any debt, to be made before two justices, &c. Body of soldier or seaman, how to be discharged.

Provided, nevertheless, and it is the true intent and meaning of this act,—

[Sect. 2.] That no such non-commission officer, private soldier or seaman as aforesaid, shall have his person exempted from arrests for any sum or sums due for the public[k] taxes for the year one thousand seven hundred and fifty-seven, anything in this act to the contrary notwithstanding. Proviso.

[Sect. 3.] This act to be and continue in force from the twenty-seventh day of March, instant, to the first day of December next, and no longer. [*Passed March* 25; *published March* 27, 1758. Limitation.

CHAPTER 28.

AN ACT FOR THE SPEEDY DISCOVERING AND ASCERTAINING THE SUM OR QUANTITY OF THE MANUFACTORY BILLS, SO CALLED, THAT ARE STILL OUTSTANDING.

Preamble. 1754-55, chap. 24.

WHEREAS some of the bills or notes issued by the company concerned in the late Land-Bank or Manufactory Scheme, are yet outstanding, and it being judged necessary, in order to an equitable apportionment of the charge of redeeming them among the persons who were concerned therein, that the quantity or sum of the outstanding bills should first be known and ascertained,—

Be it therefore enacted by the Governo[u]r, Council and House of Representatives,

Possessors of the land-bank, or manufactory bills (so called), to bring or send the same to the commissioners, &c.

[SECT. 1.] That the several possessors of the notes or bills aforesaid shall, some time before the fifteenth day of June next, bring or send such of those bills as are in their possession to the commissioners by law appointed to adjust and settle the affairs of that scheme; and the said commissioners, or one or more of them, upon receipt thereof, shall take an account of the sum or amount of the bills so produced, and shall put on each bill some distinguishing mark, whereby they may be thereafter known, and thereupon shall forthwith deliver up such bills to the person or persons so producing them.

Penalty.

[SECT. 2.] And every person who, after the expiration of said term, shall tender or offer in exchange any of the bills or notes issued by that company, that shall not have been produced as aforesaid to the said commissioners within the time therefor limited as aforesaid, shall for-f[ie][*ei*]t and pay such sum of money as shall, in value, be equal to the interest grown on the bills that shall be so tendered or offered in exchange at the time when such tender shall be made, one moiety whereof shall be put in the hands of the said commissioners, and by them be applied towards the redemption of that company's bills, and the other moiety to be to him or them who shall inform or sue therefor, and to be recovered in any court proper to try the same, and that notice be given in some of the public prints, of the substance of this act, for three weeks successively next after the publication thereof. [*Passed March* 25; *published March* 27, 1758.

CHAPTER 29.

AN ACT IN ADDITION TO THE ACT, INTITLED "AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED, AND WINE, AND UPON LIMES, LEMMONS AND ORANGES."

Preamble. 1757-58, chap. 19.

WHEREAS the persons who are or may be appointed collectors of the duties granted by the act made and passed in the last session of the great and general court, intitled "An act for granting unto his majesty an excise upon spirits distilled and wine, and upon limes, lemmons and oranges," may import into this province wine, rum and spirits distilled, limes, lemmons and oranges, or may have the same by consignment or otherwise, and may keep the same for their own private consumption, or sell and dispose of the same with licence or permit, in which cases no sufficient provision is made in said act for securing the payment of the duties arising thereon,—

Be it therefore enacted by the Governo[u]r, Council and House of Representatives,

Collectors of the duties of excise, to account for all wine, &c., sold or consumed by them.

[SECT. 1.] That every person that has been or may be appointed collector of the duties aforesaid, who shall import into this province, or shall have by consignment or otherwise, or shall sell or dispose of any wine, rum or spirits distilled, limes, lemmons or oranges, or shall use or consume the same, such collector shall take, keep and render a like account thereof upon oath to the province treasurer, who is hereby impowered to administer the same in the form by said act prescribed, and pay to him the like duties thereon as such person so appointed collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the collector of the duties aforesaid, and that the same be done in like manner and time, and under the like pains and penalties as by said act in such cases is provided.

Preamble. 1756-57, chap. 21.

And whereas, by the act granting to his majesty an excise upon spirits distilled, and upon wine, limes, lemmons and oranges, made and passed in the thirtieth year of his present majesty's reign, there is not sufficient provision made for securing the payment of the duties of excise upon the liquors that may remain in the hands of such persons as had permits by virtue of said act granted them by the farmer of excise, or licenced persons that did not renew the same at the time appointed by law for granting the same in the year one thousand seven hundred and fifty-seven, and may be consumed or expended by such persons in his, her or their family during the continuance of the excise act for the year one thousand seven hundred and fifty-eight,—

Be it therefore enacted,

All persons who had permits or license to sell liquors, and shall not renew the same, to account for the duties thereof.

[SECT. 2.] That all such persons shall, at the end of each half year from and after the twenty-fifth day of March, instant, and until the twenty-sixth day of March, one thousand seven hundred and fifty-nine, render to the collector or his deputy that shall or may be appointed in the respective counties by virtue of the excise act made and pass[*e*]'d in the thirty-first year of his present majesty's reign, an account on oath, of all such liquors remaining in their hands as aforesaid, and consumed in his, her or their families during the continuance of the last-mentioned act, and pay the duties of excise therein imposed, deducting ten per cent for leakage, upon penalty of fifteen pounds; one half to the informer, the other half to and for the use of this province.

Penalty.

Preamble. 1757-58, chap. 19.

And whereas, in and by the excise act made in the thirty-first year of his present majesty's reign, the several innholders and retailers are directed to lodge one of the rec[ie][*ei*]pts the collectors are required by said act to give them with the clerk of the sessions in the respective count[y][*ie*]s, within thirty days after the rec[ie][*ei*]pt thereof, but no penalty is therein provided in case of neglect,—

Be it further enacted,

Penalty for not lodging receipts with the clerk of the sessions.

[SECT. 3.] That in case any innholder, common victual[l]er or retailer shall neglect to lodge one of the rec[ie][*ei*]pts given him by the collector with the clerk of the sessions within thirty days, as by said act is required, he shall forfeit and pay the sum of forty shillings; one half for the use of the poor of the town or district where such delinquent dwells, and the other half to him or them that shall complain and sue for the same, and be rendered incapable of renewing his or her licence for the future.

Be it further enacted,

Collectors to give two receipts to persons who shall have permit, &c.

[SECT. 4.] That the collectors in each county, when any person having permit shall account with them, shall give two rec[ie][*ei*]pts to such person[s], mentioning the sum or sums they have rec[ie][*ei*]ved of him or her, one of which the person having permit shall lodge with the clerk of the sessions within thirty days, upon pain of incurring the sum

of forty shillings; one half to the use of the poor of the town or district where such person dwells, the other half to him or them that shall inform and sue for the same, and of being rendered incapable of renewing his or her permit for the future.

Preamble. 1757-58, chap. 19, § 20.

And whereas the collectors by the act last before mentioned, before they enter upon the execution of their trust, are to give bond to the province treasurer, which bond may, according to said act, be entered into before the court of sessions only; *and whereas* such restraint may prove inconvenient, inasmuch as those courts may not be held in some counties until the expiration of some months from the time of the appointment of such collectors,—

Be it therefore further enacted,

Collector to have liberty to give bond to the province treasurer.

[SECT. 5.] That the said collector[s] shall have liberty to give such bonds to the province treasurer, before any two of his majesty's justices of the peace in the respective counties, *quorum unus*, and thereon to proceed in the execution of such their office, agreeable to the directions of the last-mentioned act.

And be it further enacted,

Deputy collectors liable to military duties.

[SECT. 6.] That no person shall be exempted from any military duties by means or on account of his being appointed a deputy collector of the duties of excise of spirituous liquors, but shall to all intents and purposes be as liable to, train, be impressed, and perform every other military duty as if such person had not been appointed a deputy collector as aforesaid.

Limitation.

[SECT. 7.] This act to commence from the twenty-fifth day of March, curr[a][e]nt, and to continue in force until the twenty-sixth day of March, one thousand seven hundred and fifty-nine. [*Passed March* 25; *published March* 27, 1758.

CHAPTER 30.

AN ACT IMPOWERING THE PROVINCE TREASURER TO BORROW TWENTY-EIGHT THOUSAND POUNDS.

Preamble.

WHEREAS this court have agreed to raise seven thousand men to cooperate with his majesty's forces for the reduction of Canada, and it is necessary that there be a speedy supply of money for the levying and cloathing the same,—

Be it enacted by the Governo[u]r, Council and House of Represent-[ati]ves,

Treasurer empowered to borrow £28,000.

[SECT. 1.] That the treasurer of this province be and hereby is directed and impowered to borrow the sum of twenty-eight thousand pounds in Spanish mill'd dollars at six shillings each, or in coined silver sterling alloy at six shillings and eightpence per ounce; and the said sum of twenty-eight thousand pounds, when borrowed, shall be issued by the governor or commander-in-chief, by and with the advice of the council, for the levying and cloathing the said seven thousand men, pursuant to the order of this court, and for no other use whatsoever; and if there shall be a surplus it shall remain in the treasury for the further order of this court; and for the sum so borrowed the treasurer shall give a rec[ie][ei]pt and obligation in the form following:—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of , 1758. Rec[ie][ei]ved of the sum of , for the use and service of the province of the Massachusetts Bay, and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay

the said or order, the tenth day of June, one thousand seven hundred and sixty, the aforesaid sum of , in coined silver of sterling alloy at six shillings and eightpence per ounce, or in Spanish mill'd dollars, at six shillings each, with interest annually at the rate of six per cent per annum. Witness my hand, H. G.

—and no rec[ie][*ei*]pt or obligation shall be given for less than six pounds.

And to enable the treasurer to discharge the obligations by him [*in*] given pursuan[t][*ce*] [to] [*of*] this act, —

Be it enacted,

[Sect. 2.] That there be and hereby is granted to his [most] excellent majesty a tax of thirty thousand pounds, to be levied on polls and estates within this province, according to such rules, and in such proportions, as shall be agreed upon and ordered by the general court of this province at their sessions in May, and before the twentieth of June, one thousand seven hundred and fifty-nine; and if there shall be a surplus, it shall remain in the treasury for the order of this court. Tax of £30,000 granted in 1759.

And be it further enacted,

[Sect. 3.] That in case the general court shall not by the twentieth of June, one thousand seven hundred and fifty-nine, agree and conclude upon a tax act to draw into the treasury the aforesaid sum of thirty thousand pounds by the thirty-first day of March then next after, that then the treasurer of the province shall issue his warrants, directed to the assessors of the several towns and districts within this province, requiring them, respectively, to assess, levy and pay their respective proportions of said sum, according to the proportions, rules and directions of the then last preceeding tax act. Rule for apportioning the tax, in case no tax act shall be agreed on.

Whereas this province have a humble trust and dependance on his majesty for a reimburs[*e*]ment of the charge that shall arise in consequence of the aforesaid expedition,—

Be it therefore enacted,

[Sect. 4.] That the treasurer be and he is hereby directed and impowered to apply so much of the first money that shall arrive here from Great Britain before the twentieth of June, one thousand seven hundred and fifty-nine, as shall be sufficient to discharge the obligations by him given in pursuance of this act; and in case so much money shall arrive from Great Britain, and be rec[ie][*ei*]ved into the province treasury before the twentieth of June, one thousand seven hundred and fifty-nine, as shall be sufficient to discharge the obligations given by the treasurer, as aforesaid, then, [and] in such case, the several clauses in this act providing for the issuing a tax of thirty thousand pounds shall be and hereby is declared null and void. [*Passed March* 25; *published March* 27, 1758. Treasurer to apply moneys received from Great Britain.

CHAPTER 31.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful[l] and beneficial; namely, an act made in the tenth year of his present majesty's reign, intitled "An Act for securing the seasonable payment of town and precinct rates and assessments"; two acts made in the tenth and eleventh of Preamble. Sundry laws expired or near expiring, revived and continued. 1736-37, chap. 15.

1737-38, chap. 8. said reign; one intitled "An Act in further addition to an act made in the first year of his majesty's reign, intitled 'An Act to prevent coparceners, joint [*t*]enants and tenants in common from committing strip and waste upon lands held by them in common and undivided,'" the other, intitled
1737-38, chap. 9. "An Act in further addition to an act intitled 'An Act for the relief of ideots and distracted persons'"; an act made in the fourteenth year
1740-41, chap. 23. of said reign, intitled "An Act to encourage the increase of sheep and
1741-42, chap. 5. goats"; an act made in the fifteenth year of said reign, intitled "An Act for the better regulating porters employed within the town of Bos-
1746-47, chap. 26. ton"; an act made in the twentieth year of said reign, intitled "An Act for the better regulating swine"; an act passed in the twenty-first
1747-48, chap. 7. year of the present reign, intitled "An Act to prevent deceit in the gage of casks"; an act passed in the twenty-second year of the present
1748-49, chap. 9. reign, intitled "An Act for the ease of prisoners for debt"; an act
1749-50, chap. 6. passed in the twenty-third year of the present reign, intitled "An Act for regulating the hospital on Rainsford's Island, and further providing in case of sickness"; two acts made in the twenty-third and twenty-
1749-50, chap. 27. fourth years of the present reign; one intitled "An Act in addition to the act intitled 'An Act to encourage the increase of sheep and goats,'"
1750-51, chap. 5. the other intitled "An Act in addition to the act for the better regulating swine"; also an act made in the twenty-fourth year of his
1750-51, chap. 17. present majesty's reign, intitled "An Act for preventing and suppressing of riots, routs and unlawful[l] assemblies"; three acts made in
1752-53, chap. 16. the twenty-sixth year of said reign; one intitled "An Act to prevent the breaking and damnifying of lamps set up in or near streets for
1752-53, chap. 18. enlightning the same," another intitled "An Act for further preventing all riotous, tumultuous and disorderly assemblies or companies of persons, and for preventing bonfires in any of the streets or lanes
1752-53, chap. 20. within any of the towns in this province," the other intitled "An Act for preventing damage by horses going at large"; an act passed in the
1753-54, chap. 44. twenty-seventh year of said reign, intitled "An Act to prevent neat cattle and horses running at large and feeding on the beaches and meadows below the banks in the town of Truro, from the house of Joshua Atkins to Bound Brook, and also on the common meadow at and about Pamit Harbour and River as far up as the wading place by John Lumbart's"; an act made in the twenty-eighth year of said reign,
1754-55, chap. 31. intitled "An Act for preventing the unnecessary destruction of alewives and other fish within this province,"—

Be it therefore enacted by the Governo[*u*]*r, Council and House of Representatives,*

Their continuation to the first day of April, 1763.

That such of the before-mentioned acts as are expired, with all and every article, clause, matter and thing therein respectively contained, be and hereby are revived, and shall be in force from the thirty-first day of March instant, and until the first day of April, one thousand seven hundred and sixty-three, and the other of said acts that are near expiring are hereby continued and shall be in force until the first day of April, one thousand seven hundred and sixty-three, and no longer. [*Passed March* 25; *published March* 27, 1758.

CHAPTER 32.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

We, his majesty's most dutiful and loyall * subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the public † debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tonnage ‡ of shipping, hereafter mentioned; and pray that it may be enacted §, —

Be it accordingly enacted by the Governor **, *Council and House of Representatives*,

[Sect. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and fifty-eight, to the twenty-sixth day of March, one thousand seven hundred and fifty-nine, there shall be paid [to] †† the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several rates and duties of impost following; ‡‡ [&c.], —

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum, containing one hundred gallons, eight shill[s] §§.

For every hogshead of sugar, fourpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, one shilling.

— And so, proportionably, for greater or less quantities.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings value: excepting such goods as are the product or manufacture of Great Britain.

[Sect. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize (excepting tea, which shall pay only one shilling), that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessell ¶ to them belonging, on the proper account of any of the said inhabitants of the said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided always*, that everything which is the growth or produce of the provinces or colonies aforesaid (tobacco and bar-iron excepted), and all provisions, salt, cotton-wool, pig-iron, mohogony ¶¶, brazilleto ‖, black-walnut, lignum-vitæ, red-cedar, log-wood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

And be it further enacted,

[Sect. 3.] That all goods, wares and merchandize, the property of any of the inhabitants of any of the neighbouring provinces or colonies

* loyal. † publick. ‡ tunnage. § and. ** Governour. †† by. ‡‡ viz[t]
§§ shillings. ¶ vessel. ¶¶ mahogany. ‖ brazilletto.

Note. — Neither the engrossment nor the printed act having been found, this chapter has been compared with the original bill, and a MS. record in the Secretary's office. The words in Roman letters enclosed in brackets appear in the latter but not in the former, and the words given in the foot-notes are from the former. In some instances, the bill bears evidence of being more nearly in accordance with the probable language of the act.

on this continent, that shall be imported into this province, and shall have paid, or for which there shall have been secured to be paid, the duty of impost, by this act provided to be paid, and afterwards shall be exported and landed in any of the said provinces or colonies on this continent, then, and in such case, the exporter, producing a certificate from some officer of his majesty's customs, that the same have been landed in some [other] of the provinces or colonies aforesaid, shall be allowed a drawback of the whole duty of impost by him paid, or secured to be paid, as by this act provided.

And be it further enacted,

[SECT. 4.] That the master of every ship or vessell * coming into this province from any other place, shall, within twenty-four hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioners † aforesaid, of the contents of the loading of such ship or vessell,* therein particularly expressing the species, kind and quantities of all wines, [and] liquors, goods, wares and merchandize imported in such ship or vessell *, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessell *, so far as he knows or beleives ‡; and that if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessell *, and imported therein, he will forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

[SECT. 5.] That if the master of any ship or vessell * shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessell * to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

[SECT. 6.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make an entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in form following; viz^{t}., —

You, A. B., do swear that the entry of the goods and merchandize by you now made, exhibits the sterling value of said goods, and that, *bonâ fide*, according to your best skill and judgment, it is not less than that value. So help you God.

— which oath the commissioner or receiver, appointed in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay to [the] said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessell * in which the same shall be imported.

[SECT. 7.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf §, or in any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessell * out of which the same shall be landed or put into any warehouse or other place.

[SECT. 8.] And if any person or persons shall not have and produce [an produce] an invoice of the quantities of rum or liquors to him or

* vessel. † commissioner. ‡ believes. § wharff.

them consigned, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless, —

[Sect. 9.] That the said commissioner shall be and he hereby is allowed to give credit to such person or persons whose duty of impost in one vessell * shall not exceed six pounds; which credit shall be so limited as that he shall settle and ballance his accounts with every person, on or before the twenty-sixth day of March, one thousand seven hundred and fifty-nine, that the said accounts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings the said commissioner shall not demand anything, and not more than sixpence for any other single entry to what value soever.

And be it further enacted,

[Sect. 10.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fifth day of March instant, and untill † the twenty-sixth day of March, one thousand seven hundred and fifty-nine, by land-carriage, or in small vessells ‡ or boats, shall make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when [and] how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed § [and] put into any store or place whatsoever.

And be it further enacted,

[Sect. 11.] That every merchant or other person importing any wines in this province, shall be allowed twelve per cent for leakage: *provided*, such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer to pay no duty for the same. And no master of any ship or vessell * shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[Sect. 12.] And if it may be made to appear that any wine ¶ imported in any ship or vessell * be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

And be it further enacted,

[Sect. 13.] That the master of every ship or vessell * importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares [and] ** merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessell *, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessell *, untill † he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid †† his necessary charges in securing the same; or [or] such master may deliver

* vessel. † until. ‡ vessels. § housed or. ¶ wines. ** or. †† repayed.

such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

[SECT. 14.] That the commissioner or receiver of the impost in each port, shall be and hereby is impowered to sue the master of any ship or vessell *, for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entered and the duty of impost thereof † not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be their ‡ required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

[SECT. 15.] That the ship or vessell *, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, ware § or ** merchandize not entered as aforesaid, or for which the duty of impost has †† not been paid; and, upon judgment recovered against such master, the said ship or vessell *, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of the said ship or vessell *, and detain the same under seizure until judgment be given in any suit to be commenced and prose- ‡‡ for any of the said forfeitures or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutors or informers §§, such ship or vessell * and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessell * from under seizure or restraint, shall give sufficient security unto the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

[SECT. 16.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessell *, outward bound, until he shall be certified, by the commissioner or receiver of the impost, that the duty and impost for the goods last imported in such ship or vessell * are paid or secured to be paid.

[SECT. 17.] And the commissioner or receiver of the impost is hereby impowered to allow bills of store to the master of any ship or vessell * importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessell *, at the

* vessel. † therefor. ‡ there. § wares. ** and. †† hath.
‡‡ prosecuted. §§ informer.

discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

And for the more effectual preventing any wines, rum or other distilled spirits being brought into the province from the neighbouring governments, by land, or in small boats or vessells *, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost, —

Be it enacted,

[Sect. 18.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impowered and enjoyned to, appoint one suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has † been paid therefor since their being brought into or relanded into ‡ this government; and such officer or officers are also impowered to search, in all suspected places, for such wines, rum and distilled spirits, or tea, brought or relanded in this government, where the duty is not paid as aforesaid, and to seize [or] § secure the same for the ends and uses as in this act is hereafter provided.

And be it further enacted,

[Sect. 19.] That the commissioner or his deputies shall have full power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

And be it further enacted,

[Sect. 20.] That if the said commissioner, or his deputy, shall have information of any wines, rum or other distilled spirits, or tea, being brought into and landed in any [other] place in this province, for which the dutys ** aforesaid shall not have been paid after their being brought into or relanded in this government, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said commissioner or his deputy's making oath that he hath had information as aforesaid; and having such warrant, and being attended by such officer, the said commissioner or his deputy may, in the daytime, between sun-rising and sun-setting, demand admittance, of the person owning or occupying such place, and, upon refusal, shall have right to break open such place; and, finding such liquors or tea, may seize and take the same into his own custody; and the commissioner aforesaid, or his deputy, shall be and hereby is impowered to command assistance, and to impress carriages necessary to secure the [said] liquors or tea seized as aforesaid; and any persons refusing assistance, or preventing any of the said officers from executing their office, shall forfeit five pounds to the said commissioner; and he or his deputy shall make reasonable satisfaction for the assistance afforded, and carriages made use of, to secure the liquors or tea seized as aforesaid; and the commissioner or his deputy shall then file an information of such seizure in the inferior †† court of common pleas for the county wherein such seizure shall be made, which court shall [then] summon the owner of such liquors or tea, or the occupier of such shop, house or warehouse, or distil-house‡‡, where the same were seized, to appear and shew

* vessels. † hath. ‡ in. § and. ** duties. †† inferiour. ‡‡ distill-house.

cause * as aforesaid, or shall make default, the said liquors or tea shall be adjudged forfeited, and the said court shall order them to be sold at public † vendue; and the nett ‡ produce of such sale shall be paid, one half to the province treasurer for the use of this province, and the other half to the said commissioner.

And be it further enacted,

[SECT. 21.] That there § be paid, by the master of every ship or other vessell **, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (except such vessells †† as belong to Great Britain, the provinces [of] ‡‡ colonies of Pennsylvania, West and East Jersey, Connecticut, New York, New Hampshire and Rhode Island), every voyage such ship or vessell ** doth make, one pound of good pistol-powder for every ton such ship or vessell ** is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid government §§, which is hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the uses and ends aforesaid.

[SECT. 22.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessell **, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessell ** doth not express and set forth the full burthen of the same; the charge thereof to be paid by the [owner or master] ¶ of such ship or vessell **, before she shall be cleared, in case she shall appear to be of a greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer, in his accompts. And the naval officer shall not clear any vessell **, until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessell ** for which none is payable according to this act.

And be it further enacted,

[SECT. 23.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which shall have been payed ¶¶ agre[e]able to this act, shall be re-shiped *** and exported from this government to any other part of the world, that then, and in every such case, the exporter of such wine, or rum or tea shall make oath, at the time of shipping, before the receiver of impost, or his deputy, that the whole of the rum, or wine ††† or tea so shiped ‡‡‡ has, *bonâ fide*, had the [duty of impost aforesaid] §§§ paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government, — or otherwise, in case such rum, or wines or tea shall be exported to any place where there is no officer of the customs, or to any foreign port, the master of the vessell ** in which the same shall be exported shall make oath that the same has been landed out of the government, and the exporter shall, upon producing such certificate, or upon such oath of the master, make oath that he verily beleives ‖ no part of said wines, rum or tea has been re-landed in this province, — such exporter shall be allowed a drawback from the receiver of impost as follows; viz[t]., —

For every pipe of wine, nine shillings.

For every hogshead of rum, seven shillings and sixpence.

And for every pound of tea, one shilling.

Provided, *always*, —

[SECT. 24.] That if, after the shipping of such wine, or rum or tea

* If any he has, why such liquors or tea so seized shall not be adjudged forfeited; and if such owner or occupier shall not show cause. † publick. ‡ neet. § shall. ** vessel. †† vessels. ‡‡ or. §§ governments. ¶ master or owner. ¶¶ paid. *** re-shipped. ††† wine or rum. ‡‡‡ shipped. §§§ aforesaid duty of impost. ‖ believes.

to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wine, or rum or tea so shipped to be exported, or any part thereof, shall be re-landed in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so re-landed and brought again into this province, shall be forfeited and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

[Sect. 25.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereto, to receive commission for the same from the governor * or commander-in-cheif † for the time being, with authority to substitute and appoint a deputy receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunnage of shipping as aforesaid that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessell ‡, so that the duties of impost and tunnage arising on the said vessell ‡ may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver and his deputy or deputies, before their entering upon the execution of their said office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from ten of the clock in the forenoon, until one in the afternoon.

[Sect. 26.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the § commissioner of impost, together with the province treasurer, shall judge necessary, for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

[Sect. 27.] That all penalties, fines and forfeitures accruing and arising in consequence of any breach of this act, shall be one half to his majesty ¶ for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

[Sect. 28.] That from and after the commencement of this act, in all [clauses] ** where[in] any claimer shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed March* 25, 1758.

* governour. † chief. ‡ vessel. § said. ¶ majesty's. ** causes.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE EIGHTEENTH DAY OF APRIL, A. D. 1758.

CHAPTER 33.

AN ACT FOR PREVENTING LOSS OR DAMAGE BY MEANS OF A NON-OBSERVANCE OF A LATE ACT OF THIS PROVINCE, INTITLED "AN ACT FOR GRANTING TO HIS MAJESTY SEVERAL DUTIES UPON VELLUM, PARCHMENT AND PAPER, FOR TWO YEARS, TOWARDS DEFREYING THE CHARGES OF THIS GOVERNMENT."

Preamble. 1754-55, chap. 18.

WHEREAS, during the continuance of a late act of this province, intitled "An Act for granting to his majesty several duties upon vellum, parchment and paper, for two years, towards defreying the charges of this government," made in the twenty-eighth year of his present majesty's reign, there were divers deeds and mortgages of real estates, and bonds, wrote on vellum, parchment and paper, with a stamp thereon different from what was required by said act, and divers others wrote on unstamped vellum, parchment and paper, whereby many innocent persons are likely to be great sufferers; for remedy whereof,—

Be it enacted by the Governour, Council and House of Representatives,

Deeds, mortgages, &c., unstamped, &c., made valid.

That all such deeds, mortgages and bonds be and are hereby declared as valid and effectual, to all intents and purposes, as if they had been wrote on vellum, parchment and paper marked and stamped in manner as by said law required. [*Passed April* 24, 1758.

CHAPTER 34.

AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION.

Preamble.

WHEREAS it is determined by this government that, if the seven thousand men, inclusive of officers, which were to be raised by this province for the intended expedition, shall not be compleated by inlistments, the deficiency shall be raised by an impress.

Be it enacted by the Governour, Council and House of Representatives,

Manner of notifying the several companies of militia, in order to raise volunteers, &c.

[SECT. 1.] That on the second day of May next, at ten of the clock in the forenoon, there shall be a muster of all the companies of horse and foot of the militia of this province, and of the batteries in the towns of Boston, Charlestown, Marblehead, Salem and Glocester, and the captain or chief officer of each of said companies shall immediately give notice thereof, by one of the serjeants or corporals of his troop or company, to each person belonging to the same, and liable to train therein, either in person, or in case of his absence or not being to be

found, by leaving a notification in writing, at the place of his abode; and every person notified in either of the ways aforesaid shall punctually and duly attend at the time and place of muster as required, and there attend until dismissed, unless unavoidably prevented, on penalty of sixteen pounds, to be sued for and recovered with cost of suit, by the clerk of the troop or company to which such delinquent belongs; and if such delinquent be a minor or servant, the action to be brought against and penalty recovered of his parent or master; one third of said penalty to be for the use of said clerk, and the other two thirds shall by him be paid into the hands of the treasurer of the town, district or parish, to be employed in hiring men into his majesty's service, as there shall be occasion, and drawn out for that purpose by the captain or chief officer of the troop or company.

Fine in case of non-appearance

[SECT. 2.] And in case any troop or company, after warning a muster of the same as aforesaid, shall not, on or before the said second day of May next, at four of the clock in the afternoon, have made up the deficiency of their inlistments, and compleated their quota aforesaid, then the captain or chief officer of such troop or company shall immediately proceed to impress or cause to be impressed so many able-bodied men as shall be necessary in order to compleat his quota; and every person so impressed shall attend the service and do the duty for which he shall be so impressed, unless he shall obtain a discharge in writing under the hand of the captain of the company or colonel of the regiment to which he belongs, or from the governour of the province, or unless he immediately on his being impressed shall produce a man to the satisfaction of the captain or chief officer of such troop or company, or otherwise shall pay to the captain or chief officer of the troop or company to which he belongs the sum of eight pounds, to be disposed of in hiring another man in his stead, and the overplus, if any there be, to be paid to the treasurer of the town, district or parish, to be employed in hiring men into his majesty's service as there shall be occasion, and drawn out for that purpose by the captain or chief officer of the troop or company; and in case the fine or fines paid by impressed men as aforesaid shall not be sufficient to hire able-bodied men enough to make up the quota immediately, such captain or officer shall proceed to impress more men; and in case of their paying the fine aforesaid, or being discharged as aforesaid, shall go on without delay to impress in manner aforesaid, until the quota be compleated either by hiring with the fines, or with the impressed men as aforesaid.

Fine for not serving when impressed.

And whereas many persons liable to train and do military duty may have come from other governments into this province to avoid doing their duty at home, and others who are inhabitants within this province may strole from town to town or place to place to avoid impresses, and others do not belong to any particular company,—

Be it further enacted,

[SECT. 3.] That the colonels of each regiment, captain or chief officer of any troop or company who shall be in want of men to compleat the quota, after four of the clock in the afternoon, the second day of May next, may impress any residents or strolers within his district, being persons suitable to be impressed, though the same persons do not belong to his regiment or company; and such persons so impressed shall be held to serve unless such persons do really belong to some company of the militia within this province that shall have compleated its quota before the said second day of May next, or unless such persons so impressed shall pay the fine aforesaid, or shall be discharged by the governour, or such person as the governour shall appoint for such purposes.

Residents of other towns, or strollers, liable to be impressed

Provided, nevertheless,—

Any captain or chief officer that has completed his quota, to give notice, &c.

[SECT. 4.] If the captain or chief officer of any troop or company shall have inlisted the full number of effective men he is or shall be required to furnish for the service aforesaid, such company shall not be obliged to muster as aforesaid; and if at any time hereafter, and before the said second day of May next, the captain or chief officer of any such troop or foot company shall have compleated his quota of said seven thousand men, then and in such case such captain or chief officer of such troop or company shall give notice thereof to his troop or company; and upon his notifying his troop or company thereof, the persons belonging to such troop or company shall not be obliged to appear at the time and place appointed for muster, nor liable to any penalty or forfeiture for non-appearance; anything in this act to the contrary notwithstanding. [*Passed April* 26; *published April* 29, 1758.

CHAPTER 35.

AN ACT FOR SUPPLYING THE TREASURY WITH A SUM OF MONEY BY LOTTERY.

Preamble.

WHEREAS it is necessary for his majesty's service in the intended expedition against Canada, that the treasury be supplyed with a large sum of money as soon as may be, and a lottery, among other means, being judged condusive thereto,—

Be it enacted by the Governour, Council and House of Representatives,

Managers appointed.

[SECT. 1.] That John Jeffries, Samuel Watts, Thomas Flucker and James Russell, Esqrs., and Mr. John Tyng, or any three of them, be and hereby are appointed managers in behalf of this government, to set up, carry on and compleat, agreeable to such scheme, as the said managers, or any three of them shall agree upon, a lottery or lotteries for the raising and borrowing the sum of thirty thousand pounds, to be employed for his majesty's service, in the intended expedition against Canada, in such manner as this court shall order.

And be it further enacted,

Managers, &c., to be under oath.

[SECT. 2.] That the managers aforesaid, and all persons employed under them, shall, before they act, be under oath for the faithful discharge of the trust reposed in them.

And be it further enacted,

Managers to publish list.

[SECT. 3.] That the managers aforesaid shall, within twenty days after the drawing the lottery or lotteries aforesaid, cause a list to be printed in one of the Boston weekly newspapers, expressing the number and value of each benefit-ticket, and shall, at the same time, notify the proprietors of the tickets to repair to one of the managers, in order that the value of each may be certified thereon, that so such proprietors may be respectively intitled to receive a government note or security, which shall be in the form following, and signed by the province treasurer; viz.,—

Form of the treasurer's note.

Province of the Massachusetts Bay, the day of , *Anno Domini* . Received of ticket (drawn in the Massachusetts lottery, No.), of the value of , which has been applyed to the use and service of said province, and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to pay the said or order, the first day of June, one thousand seven hundred and sixty-one, the aforesaid sum of , in silver, at six shillings and eightpence per ounce, or Spanish mill'd dollars, at six shillings

each, with lawful interest annually, at the rate of six per cent per annum; or to pay the same, with interest as aforesaid, out of the money that may be received into the treasury from Great Britain for the reimbursement of the charge of the intended expedition against Canada.

Witness my hand, H. G., Treasurer.

And be it further enacted,

Proprietors entitled to a treasurer's note on interest, &c.

[SECT. 4.] That the proprietor or proprietors of each benefit-ticket shall be intitled to a government note or security, to be given by the treasurer, for a sum equal to the value of such benefit-ticket payable by the first day of June, one thousand seven hundred and sixty-one, with interest annually, at the rate of six per cent per annum, from the time the drawing each lottery, respectively, shall be finished: *provided* such proprietor or proprietors shall produce such tickets to the treasurer, certified by one of the managers as aforesaid, within the space of two months after public notice given as aforesaid of the drawing of the lottery, and shall lodge it or them with the treasurer as aforesaid, who, in that case, is hereby fully authorized and required without receiving any fee or reward for the same to give such note or security accordingly; and every such note or security shall bear date from the time the drawing the lottery is finished; and no note shall be given for a less sum than six pounds. And the managers aforesaid are hereby required, respectively, to give certificates on the tickets brought to them without receiving any fee or reward therefor.

Managers to certify on the back of the tickets.

And be it further enacted,

Money to be paid by the managers into the treasury.

[SECT. 5.] That the managers aforesaid shall pay into the treasury the whole of the money that shall arise from the sale of the tickets aforesaid, and shall be intitled to six shillings each for every whole day they shall be respectively employed about the lottery aforesaid, and shall exhibit their account of the charges attending said lotteries, to the governour and council, for allowance.

Preamble.

And whereas his majesty has been graciously pleased to signify, by a letter from the right honourable William Pitt, Esq., one of his majesty's principal secretaries of state, that strong recommendations will be made to parliament in their session next year, to grant a proper compensation for the expences of the intended expedition, in humble confidence of which compensation this government engaged in said expedition,—

Be it enacted,

Notes or securities given by the treasurer, to be paid out of such money as may be granted by parliament.

[SECT. 6.] That the notes or securities given by the treasurer as aforesaid shall be paid off out of the money which may be granted by parliament for the reimbursement of the expence of the expedition aforesaid, as soon as it shall arrive from Great Britain, and be lodged with the treasurer of this province; in which case said treasurer is hereby directed to give public notice that he has such money in his hands for the redemption of the said notes; and on their being brought to him shall redeem them accordingly; and if any person shall neglect to apply for the payment of such of the aforesaid notes as he or she may be possest of, the interest thereon shall cease at the end of three months after such notification; but if it should happen that no money should arrive from Great Britain by the last day of June, one thousand seven hundred and sixty, then, as a further security for the payment of said notes,—

Be it enacted,

Tax of £34,000 granted to his majesty in 1760.

[SECT. 7.] That there be and hereby is granted unto his most excellent majesty a tax of thirty-four thousand pounds, to levied on the polls, and estates real and personal within this province, according to such rules and in such proportions on the several towns and districts within the same, as shall be agreed on and ordered by the general court of this province, at their session in May, one thousand seven hundred

and sixty; and the said tax shall be paid into the treasury on or before the last day of March next after.

And be it further enacted,

Treasurer empowered to issue his warrants, in failure of a tax being laid by the general court.

[SECT. 8.] That in case the general court shall not, at their session in May, and before the last day of June, one thousand seven hundred and sixty, agree and conclude upon an act apportioning the tax which by said act is engaged to be apportioned, assessed and levied, that then and in such case, each town and district within this province shall pay a share of said tax, to be levied on the polls and estates within their respective limits, according to such rules and in such proportions as are laid down in the tax act then last preceeding; and the province treasurer is hereby directed and fully impowered, some time in the month of June, one thousand seven hundred and sixty, to issue and send forth his warrants, directed to the selectmen or assessors of the several towns and districts within this province, requiring them, respectively, to assess the polls, and estates real and personal within their respective towns and districts, for their respective part and proportion of the tax before directed and engaged to be assessed. And the assessors, and persons assessed, shall observe, be governed by, and subject to, all such rules and directions as have been given in the said last preceeding tax act. And if, after the payment of the notes aforesaid, there shall be any remainder in the treasury of the tax aforesaid, it shall remain as a stock in the treasury, to be applyed as the general court shall hereafter order. [*Passed and published April* 29, 1758.

CHAPTER 36.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THIS PRESENT YEAR, INTITLED "AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION."

Preamble.

1757-58, chap. 34.

WHEREAS, in and by an act made and passed this present year of his majesty's reign, intitled "An[d] Act for the speedy levying of soldiers for an intended expedition," all persons belonging to any troop or company and liable to train therein are held and obliged by said act to certain attendance on military musters and subjected to impresses, on penalty of the respective fines and forfeitures by said act provided and determined; *and whereas* the people called Quakers alledge a scruple of conscience against any military service, and persist in their neglect or refusal to attend on military musters,—

Be it enacted by the Governour, Council and House of Representatives,

Quakers exempt from fines for not attending military musters.

[SECT. 1.] That such of the inhabitants of this province as profess themselves to be of the people called Quakers, shall be and hereby are declared to be exempt from the fines and forfeitures for not attending on military musters and for not attending the service upon an impress, anything in the aforesaid act to the contrary notwithstanding.

And in order to prevent any unequal burthen upon any regiment in which there are any of the people called Quakers liable to be impressed, and to prevent any def[f]iciency in the whole number of men required to be raised by the aforesaid act,—

Be it further enacted,

Colonel or chief officer to employ a sum not exceeding £13 6*s.* 8*d.* per man, for each Quaker

[SECT. 2.] That in every regiment in which there are any of the people called Quakers liable to be impressed, the colonel or chief officer of such regiment is hereby impower[e]'d and required to engage and employ a sum not exceeding thirteen pounds six shillings and eight-

pence per man, in order to hire into the service so many men as by the act aforesaid would have been liable to be impressed from such people called Quakers, in a due proportion to the other part of the regiment, the sums so engaged to be paid out of the public treasury upon an account thereof exhibited to and allowed by the governour, with the advice and consent of the council, and to be levied in the next tax act upon the people called Quakers, in such manner and proportion as shall be therein ordered. Liable to be impressed.

And be it further enacted,

[SECT. 3.] That if the general assembly who shall pass the next tax act shall omit therein to levy the aforesaid sums on the people called Quakers, that then the province treasurer shall be and he hereby is impower[*e*]'d and directed to add the said sums to the town or district's proportion wherein such Quakers live, respectively, over and above such town or district's ordinary proportion of the province tax; distinguishing it, however, from said proportion, that so the respective assessors of said towns and districts may assess such Quakers for the same accordingly as afores[*ai*]d. Province treasurer empowered to tax Quakers.

And whereas the people called Quakers have neglected to prepare and deliver in, in the month of March, lists of the names of the members of their respective societies liable by law to impresses, as directed by an act made and pass[*e*]'d this present year, intitled an act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters, by means of which neglect the number of such Quakers cannot be ascertained in manner as was intended by said act,— Preamble.

Be it therefore further enacted,

[SECT. 4.] That the captain or chief officer of every company in each regiment within this province, the colonel or chief officer of which regiment shall have employed any sum or sums to hire persons into the service in the room and stead of the people called Quakers, in consequence of this act, shall some time before the twenty-fifth of May in this present year, prepare and deliver to such colonel a list of all the people called Quakers, or who, under pretence of a scruple of conscience, absent themselves from military musters within the respective districts of their respective companies, specifying in such list the towns of which each and every such persons are inhabitants, and every such colonel or chief officer of such regiment shall some time before the first of June return such lists into the secretary's office. Colonel or chief officer to return a list of Quakers.

[SECT. 5.] And every military officer who shall fail of preparing and delivering such lists shall forfeit and pay the sum of ten pounds; one moiety thereof to his majesty for the use of the province, the other moiety to him or them that shall inform and sue for the same. [*Passed April* 28;* *published April* 29, 1758. Penalty.

CHAPTER 37.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT FOR PREVENTING THE UNNECESSARY DESTRUCTION OF ALEWIVES AND OTHER FISH, WITHIN THIS PROVINCE."

WHEREAS in and by an act, intitled "An Act for preventing the unnecessary destruction of alewives and other fish, within this province," it is, among other things, enacted, "that no person or persons whatsoever, Preamble. 1754-55, chap. 31, § 1.

* Signed April 29, according to the record.

shall, on any pretence, presume to stretch, set or draw any siene or drag-net, or set up any wares or other fishing engines, in any parts of the rivers within this province, or ponds adjacent thereto, Merrimack and Connecticut rivers only excepted, where the fish usually spawn, or use any other instruments for catching alewives but by dip-nets or scoop-nets, on penalty of a fine of five pounds for each offence"; *and whereas* it is found unnecessary wholly to restrain the catching of shadd or alewives by sienes or drag-nets in Charles River, Medford River and Concord River, in the county of Middlesex, and Neponsett River in the county of Suffolk,—

Be it therefore enacted by the Governour, Council and House of Representatives,

Alewives and other fish to be taken by seines, &c., in Charles River, &c.

That it shall and may be lawful for any person or persons to catch alewives or other fish by sienes or drag-nets in Charles River and Concord River, in the county of Middlesex, and Neponsett River in the county of Suffolk, three days in a week, the days to be Monday, Wednesday and Friday, and in Medford River, in the county of Middlesex, two days in a week; viz., Monday and Thursday, by drawing two sienes once in each day at said Medford River; and for the taking of fish in such part of Concord River where sienes cannot conveniently be used, it shall be lawful to erect a wear, and to employ the same for that purpose on the Monday, Wednesday and Friday of each week, the place where the same shall be erected to be determined by the selectmen of said town, during the continuance of the afore-recited act, anything therein contained to the contrary notwithstanding. [*Passed and published April* 29, 1758.

NOTES.—There were five sessions of the General Court this year, at all of which acts were passed.

All the acts of this year were printed (chapters 2 and 32 separately) except the last two of the private acts, the titles of which are as follows:—

"An Act impowering Margarett Pollard of Boston in the County of Suffolk, Widow, Executrix of the last Will and Testament of Benjamin Pollard, Esqr., deceased, to make Sale of certain Lands that were conveyed to the said Benjamin Pollard, in Trust."—[*Passed June* 16; *published June* 17.

"An Act for dissolving the Marriage of Daniel McCarthy with Mary McCarthy."—[*Passed June* 14; *published June* 17.

"An Act for the more easy and equitable Division of the Estates of James Townsend, deceased, and Elizabeth Chauncy, deceased, yet remaining undivided, among the Interested."—[*Passed April* 24, 1758.

The first and last of these private acts,—the last bearing no memorandum of publication and being not under seal,—were disallowed by the Privy Council, Aug. 10, 1759.

The engrossments of all the acts of this year are preserved except of chapters 2, 4, 7, 16, 18, 19, 32, 33, 34, 35 and 37.

Governor Pownall not having arrived until August 3, the acts of the first session and of the previous year, do not appear to have been formally transmitted until Jan. 12, 1758, when these, together with the acts of the second session, were certified for that purpose under the seal of the Province. Copies of the acts of the second session, however, were forwarded to the Board of Trade by the Governor, with his observations thereon, Oct. 11, 1757; and in like manner, the following acts of the third and fourth sessions were forwarded on the dates hereafter given; viz., chapter 16, Dec. 1, 1757; chapter 18, Jan. 15, 1758; chapter 24, Mar. 15, 1758; and chapter 30, Mar. [26?] 6, 1758. The acts of the last three sessions were formally certified for transmission Sept. 22, 1758.

The acts of the first and second sessions were received by the clerk of the Privy Council, in waiting, May 3, 1758, and, five days later, were referred to the Lords of the committee of the Privy Council, for plantation affairs who, on the next day, took them into consideration and referred them to the Board of Trade "to examine into the same and report their opinion thereupon to this Committee." The Board of Trade took them up June 6, 1758, and appointed a special time for considering chapter 12, in the note to which chapter, *post*, will be found the minutes of their proceedings thereupon. On the 13th of June the Board ordered these acts to be sent to Sir Matthew Lamb "for his Opinion thereupon in point of law and that he be desired to take the Act respecting Bankrupts and their Creditors into his immediate consideration and report his opinion thereupon in point of law with all possible dispatch." The acts of the last three sessions were received by the clerk of the Privy Council, Nov. 25, 1758, and on the 13th of December were referred to the committee, of the Privy Council, on plantations, &c., who nine days later took them into consideration, and referred them to the Board of Trade to examine &c.

In the Board of Trade they came up for consideration Jan. 16, 1759 and were immediately sent to Sir Matthew Lamb "for his Opinion thereupon in point of Law."

On the 25th of July 1759 the Board of Trade ordered the draught of a report to the committee of the Council on all the acts of this year to be prepared, and, six days later, the draught was prepared, agreed to, transcribed and signed. In this report chapters 2, 7, 8, 16, 19, 24, 25, 26, 27, 29, 32, 34 and 36, it is declared, "appear to have been pass'd for temporary Services and are either expired by their own Limitations or the purposes for which they were enacted have been completed;" chapters 3, 4, 30 and 35 "passed for temporary services and at different times for raising or borrowing sums of Mony for defraying the Expences of Military and other Services, have in great measure taken effect but as the Execution of some of the Provisions therein contain'd, in which the publick faith of the Province is interested will not be compleated till the Years 1760, 1761 & 1762, and as Sir Matthew Lamb, whose Opinion has been taken upon these Acts, has no objection to any of them in point of law, We conceive it expedient that they should receive His Majesty's Royal Allowance." Chapters 5, 6, 9, 10, 11, 13, 14, 15, 17, 18, 20, 21 22, 23, 28, 31, 33 and 37, "relate to the internal Œconomy of the Province and appear to have been enacted for it's private convenience, and We see no reason why His Majesty may not be graciously pleased to Confirm them." Chapters 1 and 12, were specially reported upon as shown in the notes to those chapters, respectively, and so, also, were two of the private acts of this year. No record of further action by the Privy Council on these acts has been discovered; but as an order in Council was passed Aug. 10, 1759, disallowing chapter 1, and the two private acts above referred to, in accordance with the report of the Board of Trade, it is probable that an order allowing the acts favorably reported on was passed, but has been overlooked, or inadvertently omitted from the packages of copies received from the Public-Record Office.

Chap. 1. "June 10, 1757. A Bill having passed the two Houses to be enacted intituled an Act for erecting the District of Danvers into a Township by the name of And Thomas Hutchinson Esq^r. a Member of his Majesty's Council having moved in Council for liberty to enter his dissent; the same was admitted and is as follows.

The Question being put whether the Bill intituled an Act for erecting the District of Danvers into a Township by the name of shall be enacted, and the same having passed in the Affirmative; I desire the liberty of entring my dissent for the following Reasons viz^t

1^st Because the professed design of the Bill is to give the Inhabitants, who now join with the Town of Salem in the choice of a Representative a power of chusing by themselves, and the number of which the House of Representatives may at present consist, being full large; the increasing the number must have a tendency to retard the proceedings of the General Court, and to increase the burden which now lyes upon the People by their long Sessions every Year, and must likewise give that House an undue proportion to the Board in the Legislature where many affairs are determined by a joint Ballot of the two Houses.

2^d Because there being no Governor nor Lieutenant Governor in the Province, it is most agreeable to his Majesty's Commission to the late Governor: to the message of this Board to the House of Representatives at the opening the Session; and is in itself a thing most reasonable that all matters of any importance, and not necessary to be acted upon immediately, which is the case with the present Bill, should be deferred until there be a Governor or Lieutenant Governor in the Chair.

3^d Because the Board by passing this Bill as the second Branch of the Legislature necessarily bring it immediately after, before themselves for their Assent, or Refusal, as the first Branch, and such Members as Vote for this Bill in one capacity, must give their Assent in the other directly against the Royal Instruction to the Governor, in a case in no degree necessary for the public Interest, or else their Actions will be inconsistent and Absurd.

Council Chamber. Thos Hutchinson.

9th June, 1757."—*Council Records, vol. XXII., pp.* 45, 46.

"At the Court at Kensington
the 10th day of August 1759.
Present
The King's most Excellent Majesty in Council.

Whereas by Commission under the Great Seal of Great Britain, the Governor, Council and Assembly of the Province of the Massachusets Bay in New England in America are authorized and empowered to constitute and ordain Laws which are to continue and be in force unless His Majesty's pleasure be signified to the contrary—And whereas in pursuance of the said Commission three Laws were passed in the said Province in June 1757 and April 1758 Entituled as follow, Viz^t

'An Act for erecting the District of Danvers into a Township by the name of Danvers.'

* * * * *

Which said Laws having been under the consideration of the Lord's Commissioners for Trade and Plantations and also of a Committee of the Lords of His Majesty's most Honourable Privy Seal, The said Lords of the Committee this day presented the said Laws to His Majesty at this Board with their opinion that the same ought to be repealed—His Majesty taking the same into consideration was pleased with the advice of His Privy Council to declare His disallowance of the said Laws and pursuant to His Majesty's pleasure thereupon expressed the said

Laws are hereby repealed declared void and of none effect—Whereof the Governor or Commander in Chief of the said Province for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

A true Copy W. SHARPE."

—"*Mass. Bay, B. T.*," *vol.* 77, *K.k.*, 7, *in Public-Record Office.*

At first view it would appear inexplicable that Hutchinson, who had so zealously opposed the passage of this act, and who, for several years afterwards, was governor or acting governor of the province, should have declared that, as "the Council kept no correspondence by letters with the King's ministers * * this bill, with others, received the royal allowance probably without being observed to be contrary to the instructions," except upon the theory that, in this case, as in some others, his prejudices were stronger than his memory. On referring, however, to the Journals of the House of Representatives it will be found that the town of Danvers was annually represented in the General Court from and after the year 1758; and it is, therefore, probable that notice of the disallowance of this act never reached the provincial authorities, and that Hutchinson did not take the pains to correct his impression, grounded on these facts, by an examination of the public records.—*See Hutchinson's Hist. Mass., vol.* 3, *p.* 55.

See, further, on the general subject, notes to 1760–61, chap. 34, and 1761–62, chap. 9, *post:* also 1772–73, chap. 17, which expressly recognizes Danvers as a town.

Chap. 2. "June 13, 1757. In the House of Representatives. Ordered That the Assessors of the Town of Leicester and District of Spencer be and hereby are impowered to assess the Inhabitants of a Place called the Gore in their next Assessment for the present Years Tax in the same manner as has heretofore been done, their being lately annexed to the District of Charlton notwithstanding. In Council. Read and Concurred.

Consented to by the Major Part of the Council."—*Council Records, vol. XXII., p.* 52.

"June 16, 1757. In the House of Representatives. Voted That the Province Treasurer be, and he hereby is directed not to borrow any money or issue his notes therefor, to be redeemed out of the Fund of Fifteen thousand two hundred Pounds, laid upon the present year, till the Further order of this Court. In Council—Read and Concurred.

Consented to by a Major Part of the Council."—*Ibid., p.* 63.

"Aug^{t} 31, 1757. In the House of Representatives. Ordered That the Province Treasurer be and hereby is directed to borrow as soon as may be the additional Sum of Fifteen thousand two hundred pounds laid on the present year in the last Tax Act, the Vote passed the 16th June last notwithstanding. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 108.

"December 2, 1757. In the House of Representatives. Whereas it appears to this Court that there was a Mistake made in the present Year's Tax Act of Four pounds eight shillings and two pence too much laid on the District of Southampton in proportioning the Representatives Pay for the preceeding Year on the said District and the Town of Northampton. Therefore Ordered That the abovesaid Sum of Four Pounds eight shillings and two pence be taken off from the District of Southampton and laid on the Town of Northampton in their present Year's Tax. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 131.

Chap. 3. "May 27, 1757. The Secretary went down to the House of Representatives with the following Message from his Majesty's Council viz^{t}

Gentlemen of the House of Representatives.—The Administration of Government still remaining with his Majesty's Council, We think it incumbent upon Us at the opening the present Session of the General Assembly to recommend to their consideration such business as appears to be of immediate importance to the Interest of the Province, & to his Majesty's service.—

Our principal Attention the last Session of the late Assembly was upon the dispatch of the Forces raised by this Government under the Command of his Majesty's General in North America. They have all marched since the dissolution of the Court, in consequence of the Orders received. But it was with great difficulty that money was obtained for their Subsistence, & other necessary Charges; & you will find that the Provision made for the purpose was insufficient. We apprehend that there will be need of a further Supply of the Treasury, not only for this deficiency, but for the other Charges of Government, which now come heavy upon Us, & which it will require great Prudence to raise in such manner as that the People may be able to bear the burthen, and at the same time the Public Credit fully maintained." —*Council Records, vol. XXII., p.* 6.

§ 4. "January 21, 1758. In the House of Representatives Voted That the following Establishment be made for the Defence and Protection of the Frontiers of this Province viz^{t}

On the Eastern Frontiers.

That there be Pay and Subsistence allowed at Fort Halifax to one Captain, one Lieutenant, three Sergeants, four Corporals one Armourer, one Drummer, a Chaplain and thirty Privates and no more.

At the Storehouse at Cushnoc to one Lieutenant and fifteen Privates and no more.

At the Truckhouse at Saco to fifteen men and no more including one Lieutenant, one Sergeant, and one Corporal.

At Fort Brunswick to five men and no more including one Sergeant.

At Fort Fredrick at Pemaquid to twelve men and no more including one Lieutenant, one Sergeant and one Corporal.

At the Truckhouse at Saint Georges to thirty-five men and no more, including a Captain, one Lieutenant, one Sergeant, two Corporals, one Drummer and one Armourer.

On the Western Frontiers.

That there be Pay and Subsistence allowed at Fort Massachusetts to one Lieutenant, one Sergeant, one Corporal, one Drummer and twenty Privates and no more; said men to be employed in scouting as his Excellency the Captain General shall order and direct.

At Charlemont to sixteen Privates and no more, eight of whom at Hawks's Garrison, and eight at Taylors.

At Colerain Twelve Privates and no more.

At Fall Town to twelve Privates and no more, six of whom at Burks Garrison, and the other six at Sheldons; All the said Men at Charlemont, Colerain and Fall Town to be employed in constant Scouting in such manner as the Captain General shall order and direct.

And that there be allowed them one Lieutenant, three Sergeants and one Corporal.

At the Blockhouse at West Hoosuck to ten men of the Inhabitants, if so many Settlers there are, for the defence of that place with one Sergeant to command them; and if there are more than ten Settlers, they to do duty alternately ten at a time.

At Pontoosuck to Six Men at Williams's Garrison and to six at Gutteridges of the Inhabitants if so many there be, and if there is a Greater number of Inhabitants there, that number to do duty alternately.

All the aforesaid Officers and Men to receive the same Pay and Subsistence as by the last Establishment for those places respectively, except that five shillings and four pence ℔ week only shall be allowed for the Subsistence of those at Fort Massachusetts to continue to the 15th day of April next and no longer.

In Council Read and Concurred Consented to by the Governor.

N.B. This Establishment was not compleated until the 25 Inst."—*Ibid.*, *p.* 225.

"January 24, 1758. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses viz^t

Gentlemen of the Council and House of Representatives.

The Secretary has laid before me your Vote of an Establishment of Pay and Subsistence of the Forces on the Frontiers. The Scouting Parties on the Western Frontiers you having confined to certain Stations, which is taking the direction out of my hands, to whom by the constitution of your Charter it belongs, I cannot but hope that it proceeds from a mere Oversight, and not from any Intention to exercise any Powers that do not belong to You; and that you will very readily make the necessary Amendments or Alterations in your Vote. T. POWNALL.

Council Chamber January 24, 1758."—*Ibid.*, 233.

"January 25, 1758. The Secretary by Order of his Excellency the Governor delivered the following Message to the House of Representatives, viz^t

Gentlemen of the House of Representatives.—

Seeing You are resolved to run matters to that Extreme, that You will leave the Frontiers without any provision of Defence, unless I will sign my Consent to a Vote of your House wherein You assume a Right to determine the Stations and Destination of a Scouting Body of Troops; which Vote the Council after divers Proposals of Amendment in order to remove the difficulty I was under have at length agreed to: I will to prevent the distressed State that the Inhabitants must be reduced to by this your Conduct, sign my Consent to the Establishment of Pay and Subsistence that You have provided by that Vote; at the same time declaring to You, that I protest against the Breach you have made upon the Constitution of your Charter, and the Infringment on the Rights of the Crown.

In the Plan I laid before You, I have told you, and given You my reasons for it, that I should employ the Forces in the same manner that you determine by your Vote that they shall be employed, so that there is no difference about the Service, the only question is, who shall direct and limit this Service; the House of Representatives or the King's Governor. But this your Charter leaves no Room to make a Question of.

T. POWNALL."—*Ibid.*, *p.* 240.

"Since our letter to you dated the 8th of December 1757, We have received several from you (a Minute of the Dates of which is hereunto annexed) containing a detail of your proceedings in the administration of the Government entrusted to your care.

* * * * * *

The Facts resulting from an examination into the Acts and Proceedings of the Council and House of Representatives, which we were induced to enter into from your representation of their conduct in your letter of the 27th of Janry last, are such, as convince us that the Dependence which by the Constitution the Colony ought to have upon the executive part of the Government of the Mother Country and the Sovereignty of the Crown stands upon a very precarious foot and that unless some effectual remedy is at a proper time applyed, it will be in great danger of being totally set aside.

From these facts it appears that almost every act of executive and legislative power, whether it be political, judicial or military is ordered and directed by Votes and Resolves of the General Court, in most cases originating in the House of Representatives to which all Applications, Petitions and Representations are addressed and where the Resolves are drawn up and prepared, and tho' We appre-

hend that such Resolves are insufficient and invalid, without the concurrence of the Council in the first instance and ultimately that of the Governor, yet such concurrence seems to be rather matter of form in proceeding than essential and that the measure whatever it be derives its effect and operation from the Judgment and sense of the House of Representatives.

But whether that be so or not, We cannot but be of opinion that by the true principle and frame of the Constitution, as founded upon the Charter and upon His Majᵗʸ'ˢ Commission, the concurrence of the Council and House of Representatives or at least of the latter is not only unnecessary but improper in most acts of executive power, more especially in what concerns military services and judicial proceedings in Equity and Chancery, the exercise of which powers are particularly provided for by the Charter.

Upon the whole, however dangerous and prejudicial as these proceedings appear to us, We are doubtfull whether it would be adviseable in the present situation of things to attempt an effectual remedy to practices concerning which long usage and indulgence have impressed strong prejudices upon the minds of some and doubts upon those of others, which whenever the times will admit of these points being clearly and impartially debated and explained will easily be removed, and We are perswaded all but ill designing men will concur in their endeavours to restore the Constitution to its true principles, by which alone the rights and liberties of His Majesties subjects and the welfare and interest of the Mother Country and of its Colonys can be effectually secured."—*Lords of Trade to Gov. Pownall, Nov.* 22, 1758: "*Mass. Bay, B. T.,*" *vol.* 85, *p.* 5., *in Public-Record Office.*

"The governor, observing that his predecessor had suffered the house to take to themselves some share of that military authority, which the charter gives to the office of governor, endeavoured to make a reform. In the grants of money for the defence of the province, the house, with whom all grants must originate, in several late instances, had appropriated the money granted, to the payment of such a number of men as should be posted in such places, or employed in such service, as the votes of the house expressed, and restrained the governor and council from drawing it out of the treasury for any other purpose. Mr. Shirley, to keep the house in good humour, and thereby to promote his general design, had submitted to this invasion. Mr. Pownall for some days suffered a grant, made in this form, to lie before him; and endeavoured to prevail on the house to depart from this irregularity; but they were tenacious of it, and he gave his assent, protesting against the vote as a breach of the constitution. No notice was taken of this in England, where there was no disposition to contend with the colonies, nor any apprehension of serious consequences from the advances made by the people upon the prerogative."—*Hutchinson's Hist. Mass., vol.* 3, *p.* 66.

See notes to act of 1721, vol. II., p. 222, *ante;* and note to 1730, chap. 3: *ibid.*, p. 574.

Chap. 7. For previous action of the General Court respecting the Acadians brought into this province see, *ante*, notes to 1755–56, chapters 23 and 35, and 1756–57, chap. 9. (Vol. III., pp. 951, 958 and 1055.)

"June 1, 1757. In the House of Representatives—Ordered That Colᵒ Williams, Colᵒ White, Colᵒ Quincy, Mʳ Witt & Colˡᵒ Worthington with Such as the honourable Board shall join, be a Committee to take under consideration what may be proper to be done by this Court with regard to the late Inhabitants of Nova Scotia now here, either by removing them out of the Province, or otherwise disposing of them—& report thereon. In Council—Read & Concurred and John Osborne, Benjamin Lynde, John Erving, William Brattle & James Bowdoin Esqʳˢ are joined in the Affair."—*Council Records, vol. XXII., p.* 16.

"June 2, 1757. A Petition of Duncan Campbell Esqʳ of Oxford—Setting forth that in January 1756. The Selectmen of the Town of Newton bound out to him five Children of some of the late Inhabitants of Nova Scotia, that their Parents followed them to Worcester where he had placed them; that after some time they all went away & left him; & That He has been at considerable expence in transporting them, & subsisting them and praying an Allowance.

In the House of Representatives—Read and Ordered That there be allowed & paid out of the Public Treasury to the Petitioner the Sum of Forty-two shillings & three pence half penny in full discharge of the Accounts exhibited. In Council —Read & Concurred.

Consented to by a Major Part of the Council."—*Ibid., p.* 19.

"June 4, 1757. Advised & Consented that a Warrant be made out to the Treasurer to pay to Samuel Chipman the sum of Twenty-two Pounds five shillings and a penny to discharge his Accoᵗ of Expences in conveying a number of the late French Inhabitants of Nova Scotia from Salem to Sturbridge."—*Executive Records of the Council, vol.* 3, *p.* 259.

"June 14, 1757. In the House of Representatives. Ordered That Mʳ Humphry, Caleb Cushing Esqʳ & Mʳ Bradbury be of the Committee appointed to consider what may be proper to be done with regard to the French Inhabitants of Nova Scotia now in this Province in the room of Colᵒ White, Colᵒ Quincy and Mʳ Witt who are absent. In Council—Read and Concurred and Ordered That Samuel Watts & Gamaliel Bradford Esqʳˢ be appointed in the room of Benjamin Lynde Esqʳ who is absent, and John Chandler Esqʳ who desires to be excused.

In the House of Representatives. Read and Concurred."—*Council Records, vol. XXII., p.* 53.

"August 17, 1757. In the House of Representatives. Ordered That Judge Russell Mʳ Tyng, Mʳ Gridley, Captⁿ Dalton and Mʳ Flucker with Such as the honourable Board shall join be a Comittee to take under consideration what they

judge proper to be done with regard to the French Inhabitants of Nova Scotia now in this Province, and Report. In Council. Read and Concurred and John Osborne Benjamin Lynde, Samuel Watts and Ezekiel Cheever Esqrs are joined in the Affair."—*Ibid.*, *p.* 74.

"Aug^{t} 24, 1757. The Committee appointed to take under consideration what they judge proper to be done with respect of the French Inhabitants of Nova Scotia now in this Province—Reported their opinion that such a number of said Inhabitants as his Excellency the Governor shall judge proper be sent to Admiral Holbourn at Hallifax; & the remainder of said Inhabitants be transported to Great Britain. In Council. Read and Sent down."—*Ibid.*, *p.* 89.

"August 25, 1757. In the House of Representatives. Ordered. That the Committee appointed 21 February last in consequence of the report of the Comittee of both Heuses appointed to wait on his Excellency Gov^{r} Lawrence and confer with him on the Charges this Province has been at in supporting the French Inhabitants sent hither by the Government of Nova Scotia be directed to sit forthwith and prepare the Accounts therein referred to, and report as soon as may be. In Council. Read and Concurred."—*Ibid.*, *p.* 92.

"November 29, 1757. In Council. Whereas the several Committees heretofore appointed to ascertain the charge—this Government have been at in supporting the French Inhabitants of Nova Scotia that were sent to this Province, have made no Report, and whereas it may be a doubt which of said Committees are to effect the said business. Voted That Samuel Watts and William Brattle Esq^{rs} with such as the honourable House shall join be a Committee to prepare an Account of the Whole Charge hitherto arisen by any way or means on account of the French Inhabitants aforesaid within this Government. And that they seperate the Charge that has accrued on account of those who came hither from the Southern Governments in order to be presented to Governor Lawrence for payment agreeable to what passed between his Excellency and a Committee of this Court in February last; And that the Committee now appointed take an Account of the Effects brought hither by the French Persons last mentioned, and require an account likewise of the Proceeds of any such effects, which have been disposed of by any persons within the Government, and lay the same before the Court. And that the said Committee sit forthwith. In the House of Representatives Read and Concurred, and M^{r} Flucker, James Russell Esq^{r} and M^{r} Hall are joined in the affair."—*Ibid.*, *p.* 124.

"December 2, 1757. A Petition of the Selectmen of Sherburn and of the Committee of the Parish of Natick—Praying that Nineteen of the French Inhabitants of Nova Scotia which have been sent to those Places may be removed to some other Town inasmuch as they are unable to find them employment where they now are.

In the House of Representatives. Read and Ordered That the Prayer of this Petition be so far granted as that one Family of the said Inhabitants of Nova Scotia mentioned be sent to the Town of Southborough, and the Selectmen of said Town are hereby directed to take care of them accordingly viz^{t} the Widow Margaret Girdo, and her Family being eight in number and that the others remain under the care of the Selectmen of the Town of Sherburn and the Committee of the Precinct of Natick. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid.*, *p.* 130.

Dec. 6, 1757. "Advised & Consented that a Warrant be made out to the Treasurer to pay unto the Selectmen of Methuen & twenty eight other Towns the sum of Five hundred & seventy three Pounds Nine shillings & seven pence (to each the sum respectively due) to discharge their Acco^{t} of Supporting the late French Inhabitants of Nova Scotia, sent hither by order of the Government there, agreeable to the Schedule to the Warrant Annext."—*Executive Records of the Council*, *vol.* 3, *p.* 307.

"January 6, 1758. A Petition of Amos Fuller and Others, Selectmen of the Town of Needham—Setting forth That there were five of the Nova Scotian French People placed there by the Government in 1756 instead of which number there were twelve sent by the Sherriff and one added since, and as their Town is small, Praying that some of them may be removed elsewhere.

In the House of Representatives Read and Ordered That the Prayer of this Petition be so far granted as that the Selectmen of Needham have liberty to remove seven of the said French Persons from Needham to Stoughton; And that the Selectmen of Stoughton be and hereby are directed to receive the said seven persons so removed under their care. And whereas there are already three of the late French Inhabitants of Nova Scotia at Stoughton and but two at Wrentham; It is further Ordered That the Selectmen of Stoughton on receiving the said seven Persons have leave to remove the aforesaid three persons to Wrentham. And that the Selectmen of Wrentham be and hereby are directed to receive the same under their care. In Council. Read and Concurred.

Consented to by the Governor."—*Council Records*, *vol. XXII.*, *p.* 196.

"January 10, 1758. The Petitions of Francis Muis a Nova Scotian French Person placed at Tewkesbury, of Lawrence Muis another of said French Persons placed at Methuen and of John Labradore another of said French Persons placed at Wilmington—respectively setting forth the hardships and sufferings they undergo in their present Situation. And praying Releif. On each of which was respectively entered as follows viz^{t} In Council Read and Ordered That James Minot Esq with Such as the honourable House shall join be a Committee to consider of this Petition and report what they judge proper to be done in the Affair.

In the House of Representatives Read and Concurred and Col^{o} Choate and Col^{o} Buckminster are joined in the affair."—*Ibid.*, *p.* 203.

"January 11, 1758. In the House of Representatives. Ordered That Capt^{n} Wil-

liams be of the Committee on the Petition of John Labradore, and other Petitions of the like Import in the room of Colº Choat, who is excused from that Service In Council. Read and Concurred."—*Ibid., p.* 208.

January 12, 1758. A Petition of Charles Muis one of the Nova Scotian French Persons, living with Mr Nathanael Ray Thomas of Marshfeild complaining of the want of suitable Cloathing. And praying Releif. In Council Read and Ordered That James Minot Esq with such as the honourable House shall join be a Committee to consider of this Petition and report what they judge proper to be done in the Affair.

In the House of Representatives. Read and Concurred and Colº Buckminster and Captn Williams are joined in the Affair."—*Ibid., p.* 209.

"January 13, 1758. The Committee appointed the 10 Instant on the Petitions of Francis Muis and other Nova Scotian French Persons having made report thereon. In Council. Ordered. That the Secretary write to the Selectmen of the respective Towns to which said Petitioners belong the substance of their several Complaints and inform that the Court expect that they conform to the several orders of Government relative to their Support, and that they take effectual care that they be placed in such Houses as may defend them from the Inclemency of the Season.

In the House of Representatives. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 212.

"January 24, 1758. In Council Ordered That the Treasurer deliver to the Agents of his Excellency Governor Lawrence in this Province the Accounts of the Charge of supporting Jacques Morris and Others of the Company which came hither from the Southern Colonies, which Accounts are now before the Court, and the Treasurer is to desire Payment thereof, or otherwise to desire such Agents to transmit such Accounts to Governor Lawrence for his order thereon agreeable to the assurances given to the Province.

In the House of Representatives Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 237.

March 8, 1758. "To the Selectmen of Marblehead the sum of Sixty two Pounds ten shillings & seven pence to discharge their Accot of Expence in Supporting the late French Inhabitants of Nova Scotia, sent hither by order of the Government there."—*Executive Records of the Council, vol.* 3, *p.* 344.

"March 18, 1758. The Committee appointed to consider of some method to ease the Province of the Charge of supporting the late French Inhabitants of Nova Scotia now in the Province. Reported according to Order.

In the House of Representatives Read and Accepted & Voted That Dwelling Houses be provided for the late Inhabitants of Nova Scotia now in the Province this Year as heretofore; That the Sick, Infirm and Aged who cannot labour be maintained at the Expence of this Government as heretofore; and that all able bodied Persons be obliged after the 15th day of April next until the further Order of this Court to maintain themselves and Families. And that the Selectmen of the several Towns where they are, upon, their desire Assist them to Employment, and take care they are not defrauded; and that the Members of the House be directed to inspect the Circumstances of Age, Infirmity, Sickness, Orphanship, and Ability of such persons in their respective Towns, and the Towns next adjoining where there is no Representative and report to this Court at the next Sitting In Council. Read and Concurred.

Consented to by the Governor."—*Council Records, vol. XXII., p.* 279.

"March 20, 1758. A Petition of Duncan Campbell Esq of Oxford—Praying an Allowance for transporting from Cambridge a number of the French Neutrals, five of whom were bound to him, & afterwards removed to Dedham, whereby he is deprived of their Service.

In the House of Representatives Read and Resolved That there be allowed and paid out of the Public Treasury to the Petitioner the Sum of Five Pounds nine shillings and four pence in addition to the former Allowance made him; and in full consideration of his keeping the French People mentioned. In Council Read and Nonconcurred.

A Petition of Nathanael Ray Thomas of Marshfeild—Setting forth That he contracted with a number of the French Neutrals to enter into his Service, the time whereof was afterwards limited by the Council to one Year, and gave Bond to the Province Treasurer accordingly. That they are grown very uneasy and insolent, and praying that he may be discharged of any further care of them, and that his Bond may be cancelled. In Council. Read together with the Petition of the French Persons above mentioned, and other Papers accompanying the same. And Ordered That John Cushing Esq with Such as the honourable House shall join be a Committee to inquire into the Affair, and report what they judge proper for this Court to do therein.

In the House of Representatives Read and Concurred, and Colº Quincy and Joseph Cushing Esq are joined in the Affair."—*Ibid., p.* 282.

"March 23, 1758. In Council Voted That William Brattle and James Bowdoin Esqrs with Such as the honourable House shall join be a Committee to wait on his Excellency Governor Lawrence to inquire whether he hath received the Account of the charge incurred by this Province for the Support of the French Neutrals that came hither from the Southern Governments; and in case he has not received them to furnish him therewith, and to desire his Excellency that he would give orders for the Reimbursment of said Accounts.

In the House of Representatives. Read and Concurred, and Mr Tyng, Judge Russell, and Colº Lawrence are joined in the Affair."—*Ibid., p.* 295.

"April 21, 1758. A Memorial of Thomas Hutchinson Esq—Setting forth That in the Year 1756 he undertook with leave of the Court the care of a number of the

French late Inhabitants of Nova Scotia and has still ten of them under his care. That by encouraging them to labour they have been supported without any charge to the Province, except some small expence for a Doctor, and the Hire of a House for them to dwell in, whereby there has been a Saving of One hundred Pounds which these People would in proportion to the rest have otherwise cost for their support That he is still willing to continue his care of them. And praying that for the time to come House Rent, not exceeding 5¾ ℔ Annum may be allowed, or that they may be put under the care of the Selectmen.

In the House of Representatives Read and Ordered That the Prayer of this Memorial be granted; And that there be allowed and paid out of the Public Treasury to the Memorialist the Sum of Two Pounds thirteen shillings and four pence Yearly for providing the French People mentioned with an House to dwell in for the future, during the time he shall have the said People under his Care. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 314.

"April 25, 1758. The Committee on the Petition of Mr Nathanl Ray Thomas as entered the 20th March last made the following Report viz:

That the Bond which said Mr Thomas gave to the Province Treasurer to indemnify the Province and also the Town of Plymouth on Account of Charles Muis and Family, some of the late French Inhabitants of Nova Scotia be cancelled. And that all the said French Persons received by Mr Thomas be removed to the Town of Easton; And that the Selectmen of said Town receive them and employ or Provide for them agreeable to the Order of this Court.

Sign'd Samuel Watts ℔ Order.

In Council. Read and Accepted. and Ordered That the Province Treasurer cancel the Bond of the Petitioner Mr Nathanael Ray Thomas. And that the Selectmen of the Town of Easton receive and employ, or provide for the French Persons now with Mr Thomas agreeable to the Order of this Court respecting such.

In the House of Representatives Read and Concurred.

Consented to by the Governor.

In Council Voted—That Ezekiel Cheever Esq with Such as the Honourable House shall join be a Committee to dispose of the Boats now lying in Charlstown; in which some French People came to this Province from the Southern Governments, & render an account of their Doings therein as soon as may be, And that Roland Cotton Esq be directed to render an Account of what he has done respecting those Boats which were left in the Town of Sandwich.

In the House of Representatives. Read and Concurred and James Russell Esq and Mr Hall are joined in the Affair."—*Ibid., p.* 327.

"April 29, 1758. In the House of Representatives Ordered That the Selectmen of the Town of Leicester be, and they hereby are allowed to remove from said Town to the Town of Brookfeild, Jacques Morris with eleven of his Family, part of the French Neutrals (so called) that were placed there by order of the General Court in the year 1756.

And that the Selectmen of Brookfeild be, and they hereby are required to receive the said French People under their Care, and to provide for them in the same manner as is directed with regard to the Inhabitants of Nova Scotia now within the Province. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 349.

"June 1, 1758. His Excellency Governor Lawrence has remitted to the Government Three hundred and Ninety-four Pounds sixteen shillings and eight pence half penny as a Sum due from the Government of Nova Scotia on account of the French Exiles, Subjects of that Government transported hither.

* * * * * *

Gentlemen of the House of Representatives.

At this time when the Province is under so many unavoidable and necessary Burthens, I cannot but recommend to You to consider how far the Charge which the Government incurs on Account of the French Exiles in this Province may be avoided. Let the helpless Infant, the Aged, the Infirm, and those whose Duty it is to attend upon them be supported in the same manner, and under the same Laws as our own People are. This Price of Labour will well support the Industrious in this Country, let that price be faithfully secured to them; then let those who are able to work support themselves and their Families, they will soon cease to be a burthen, they will become happy and profitable Subjects.

T. Pownall."

—*Extracts from the Governor's speech to both houses; ibid., pp.* 362 *and* 363.

"June 2, 1758. A Petition of Jaques Leblanc, late Inhabitant of Nova Scotia now residing at Braintree—Praying that his Son who was sent to Maryland may be allowed to come into this Province and live with him, he procuring good Security to indemnify the Province from any Charge that may accrue thereby. In Council Read and Ordered That upon Captn Benja Beales giving Security to the Treasurer that the Petitioners Son shall be supported in case of his Arrival here without any charge to the Province, the Prayer of the Petition be so far granted, as that the Secretary be allowed to give a Certificate to the Petitioner, signifying that his Son may be allowed to come into the Province. In the House of Representatives. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 366.

"June 14, 1758. In the House of Representatives Voted That Dwelling Houses be provided for the late Inhabitants of Nova Scotia now in the Province this Year as heretofore; that the Sick Infirm and Aged who cannot labour be maintained at the Expence of this Government as heretofore, and that all able bodied Persons be Obliged, until the further order of this Court to maintain themselves and Families,

and that the Selectmen of the several Towns where they are, upon their desire assist them to Employment, and take care they are not defrauded and that the Members of the House be directed to inspect the Circumstances of Age, Infirmity, Sickness, Orphanship and Ability of such persons in their respective towns, and the Towns next adjoining, where there is no Representative, and where such Return has not been already made, and report to this Court at their next Sitting. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 395.

"June 15, 1758. Such of the late Inhabitants of Nova Scotia as have been sent to this Province have been very chargeable to Us. They were transported here without our Consent or knowledge; Many of them were in danger of perishing aboard the Vessells in which they came. No persons here were authorized by the Government of Nova Scotia to support them after they were landed. Humanity therefore Obliged this Government to do it. Endeavours have been used ever since to enable and compel them to support themselves, but a constant charge has been incurred notwithstanding. We will continue our Endeavours to lessen this Charge, and We humbly hope that when the burdens which the Province lies under; and the Services performed by it are considered, regard will be had to this as well as the other Expences which have arisen from his Majesty's General Service."—*Extract from an address by the Council and House of Representatives, to the Governor, ibid., p.* 400.

"June 15, 1758. A Petition of Benjamin Fenno and Others Selectmen of Milton—Setting forth That eighteen of the late French Inhabitants of Nova Scotia have been sent to that Town, which they apprehend exceeds their proportion, and praying for Releif.

In the House of Representatives, Read and Ordered That the Selectmen of Milton be, and they hereby are allowed at the charge of said Town to remove five of the French People now there to the Town of Wrentham, and the Selectmen of the said Town of Wrentham are hereby directed to receive the said French People and to provide for them as is directed by the Orders of this Court. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 405.

Dec. 4, 1758. His Excellency having communicated to the Board an Application which he yesterday received from Joseph Landrey dated Cape Sables September 15, 1758 in behalf of himself and about Forty French Families settled there praying that they may be quieted in their Possessions, as they are willing to take the Oaths to the Government, and to help Maintain the War against the French King, or if that may not be that they may be permitted to come and settle in this Government; His Excellency also acquainted the Board that he had communicated the same to General Amherst who was willing to Transport them hither at the Charge of the Crown.

Advised that his Excellency send a Copy of said Application to Governor Lawrence, And at the same time Advise him that the Council could not be of Opinion to receive those People into the Province even although they should be indemnified as to all Charge that might arise by means of their coming hither."—*Executive Records of the Council, vol.* 3, p. 443.

"Jan^{y} 2, 1759. In Council——Vincent, one of the French Neutrals, (so called) with his Family having been visited with mortal Sickness at Groton, and near one half of the Family dying, the remainder, in the recess of the Court, removed to the Family of one of their Relations at Milton, and his Excellency with the Advice of the Council directed the Selectmen of Milton to take the necessary care of said Family until the Sitting of this Court——Ordered That Samuel Watts and William Brattle Esq^{rs} with such as the Honourable House shall appoint, be a Committee to take the Circumstances of said Family into consideration, to consider of a proper place for their Residence and make Report.

In the House of Representatives. Read and Concurred and M^{r} Stone, M^{r} Jazaniah Tucker, and M^{r} Johnson are joined in the Affair.

A Petition of Joseph D'Autremont, one of the late French Inhabitants of Nova Scotia—Praying that He with his aged Father and Mother, and the rest of the Family now at Walpole may be removed to Medfeild, where others of the same Family are placed in order to their Mutual Ease in supporting their Family in general, and of their said Father and Mother in particular; and that a Family of the same Number may be removed from Medfeild to Walpole. In Council. Read and Ordered That Samuel Watts and William Brattle Esq^{rs} with such as the Honourable house shall join be a Committee to take this Petition under consideration and report what they judge proper to be done thereon.

In the House of Representatives Read and Concurred and M^{r} Stone, M^{r} Jaazaniah Tucker and M^{r} Johnson are joined in the Affair."—*Council Records, vol. XXII., p.* 446.

"Jan^{y} 2, 1759. A Petition of Hammond Tibido, one of the late French Inhabitants of Nova Scotia placed at Dorchester Praying That some Releif may be afforded him and his Family, they being unable to provide themselves with Bedding and other things necessary for their Support. In Council Read and Ordered That Samuel Watts and William Brattle Esq^{rs} with such as the honourable House shall join be a Committee to take this Petition under Consideration, and report what they judge proper to be done thereon.

In the House of Representatives Read and Concurred and M^{r} Stone, M^{r} Jaazaniah Tucker and M^{r} Johnson are joined in the Affair."—*Ibid., p.* 447.

"Jan^{y} 4, 1759. In the House of Representatives. Ordered That the Committee appointed on the Petition of Joseph D'Autremont &^{c} take into their consideration some proper method for easing the Province of the Charge accruing by means of the French Inhabitants of Nova Scotia now here, and report. In Council. Read and Concurred."—*Ibid., p.* 450.

"January 5, 1759. In the House of Representatives Resolved That there be allowed to be paid out of the Public Treasury to Jacques Morris the Sum of Seven pounds eight shillings and two pence being the nett proceeds paid by Roland Cotton Esq into the Treasury on Sale of Certain Canoes in which the said Jacques Morris and Others came to this Province from some of his Majesty's Southern Governments. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid.*, *p.* 458.

"January 6, 1759. The Committee on the Petition of Hammond Tibido, one of the French Neutrals, so called, as entered the 2d Instant, having reported thereon. In the House of Representatives. Read and Accepted, and Ordered That the Selectmen of Dorchester be directed to supply the Petitioner with Bed, Bedding and other Necessaries for his Family accordingly. In Council. Read and Concurred. Consented to by the Governor.

The Committee on the Petition of Joseph D'Autremont one of the French Neutrals so called, as entered 2 Instant made the following Report viz^{t}

The Committee are of opinion that the French Family within mentioned at Medfeild be removed to Walpole, the same being agreeable to both Towns, and that the five remaining French Persons in Walpole not of the Family of the Petitioner be removed to Wrentham, who have no French Neutrals in it.

Sign'd W. BRATTLE ℔ Order—

In Council, Read and Accepted, and Ordered That the said French People be removed accordingly.

In the House of Representatives. Read and Concurred."—*Ibid.*, *p.* 460.

"January 10, 1759. A Petition of Francis Meuse, one of the late French Inhabitants of Nova Scotia—Praying that He and his Family may be removed from Tewkesbury, where they now are to Salem where they were originally placed by the Government. In Council. The Board taking into consideration the difficulties of finding Employment for the Petitioners in the Town of Tewkesbury Ordered That they be removed to the Town of Danvers, and the Selectmen of said Town are to receive and take care of them accordingly.

Sent down for Concurrence."—*Ibid.*, *p.* 473.

"January 11, 1759. In Council The Board apprehending it of great importance for the Interest of the Province that some effectual measures should be forthwith taken to prevent (as far as may be), any further charge from the French late Inhabitants of Nova Scotia and to render them useful Subjects to his Majesty Therefore Ordered That the honourable Thomas Hutchinson, Stephen Sewall and William Brattle Esq^{rs} with such as the honourable House shall appoint be a Committee to take this Affair under Consideration; and the Committee are to sit forthwith, and to report as soon as may be: And it is an Instruction to the Committee to send for divers of the Principal Men of said Inhabitants, hear their Proposals in order to their Accomodation for their future Support.

In the House of Representatives Read and Concurred and M^{r} Bacon, M^{r} Tyng, Capt^{n} Livermore and Col^{o} Lawrence are joined in the Affair."—*Ibid.*, *p.* 474.

"April 18, 1759. A Petition of Peter Trahan one of the late French Inhabitants of Nova Scotia—Setting forth That soon after his Arrival here he found a Silver Watch in the Road in the Town of Hanover near a House where one other of the said French People lived, and that he left it with the woman of the House, as the readiest means for the Owner to come at it, and the Woman acknowledges the Receipt of it. That a year and half afterwards Major House who had lost a Watch about the time this was found, and hearing the Petitioner had taken one up applied to him, who related the whole Affair to Major House, whereupon he sued the Petitioner and put him into Goal, where after having lain four days, he gave Major House a note for Fifty pounds old tenor, rather than lie and perish there, That he is utterly unable to pay said Sum, and praying Relief. In Council. Read and Ordered That Samuel White Esq make inquiry into the Facts set forth in the within Petition and make report at the next May Session.

In the House of Representatives. Read and Concurred

Consented to by the Governor."—*Ibid.*, *p.* 667.

"April 18, 1759. The Committee appointed to consider the Circumstances of the French people sent hither from Nova Scotia made the following Report viz^{t}

That no Accounts be allowed for any Charges contracted or arising after the first day of May next upon the French late Inhabitants of Nova Scotia, saving only for the necessary Support of such aged and infirm persons as are not capable of Labour themselves, and have Relations not able to maintain them, saving also the Rent of a house for each Family not exceeding Three pounds ℔ annum.

That the Selectmen of the several Towns where any French Families are placed, notify the head of each Family that unless they will undertake to support the Children in it, and shall actually provide for their Support, all such Children must be bound out to Service. And the Committee are of opinion that upon Neglect of such Support all such Children without further delay be bound out accordingly.

The Committee are further of Opinion That any of the French Families who shall desire to remove from the Towns where they are placed to any other Towns in the Province in order to procure Labour or Employment for their better Support, be at liberty so to do, first obtaining a Certificate from the Selectmen where they now are of the number of Persons, their Names and ages in such Family, to be produced to the Selectmen of the Town to which they remove, that in case any of them shall fall sick in such Town, and shall be unable to bear the charge of it, they be sent back to the Town from whence they came; the expence attending the same to be advanced by the Selectmen of such Town, and that they be Also at liberty to return to such Town, when they desire it, but that no accounts of charge be

allowed except only from the Selectmen of those Towns where they are placed by order of the General Court—Which is submitted in the name of the Committee

(Signed) T. HUTCHINSON.

In Council. Read and Ordered That the foregoing Report be accepted, and that the Selectmen of the several Towns be, and hereby are directed to conform themselves accordingly.

In the House of Representatives. Read and Ordered That the consideration of this Report and Vote be referred 'till the next May Session."—*Ibid.*, *p.* 668.

"June 9, 1759. A Petition of Charles Meuse one of the late French Inhabitants of Nova Scotia—Setting forth That he is placed at Easton is 60 years old and very infirm, has with him only his Wife, and a little daughter, that they receive from the Selectmen only three Pints of Skim milk a day, and are in danger of Suffring, and Praying Releif.

In the House of Representatives. Read and ordered That the Selectmen of the Town of Easton provide for the Family within mentioned agreeable to the Order of this Court for providing for the French Neutrals

In Council. Read and Concurred

Consented to by the Governor."—*Ibid.*, *vol. XXIII.*, *p.* 39.

"October 6, 1759. In Council. His Excellency having acquainted the Board, that he hath received Information from Major General Wolfe, that there is a correspondence carried on between some of the late French Inhabitants of Nova Scotia now in this Province, and the French in Canada, and that some of said Nova Scotians have deserted the Province and got to Canada. Ordered that the Selectmen of the several Towns where any of said People have been placed strictly observe their behaviour; And that they return as soon as possible into the Secretary's Office perfect Lists of all such French People as are now in their respective Towns, and also of such as they have any reason to think have removed out of the Province, or have any way's absented themselves from the Towns where they have been placed by the Government. In the House of Representatives Read and Concurred

Consented to by the Governor."—*Ibid.*, *p.* 70.

"October 19, 1759. The Committee appointed the 17th instant to take under consideration the State of the French Neutrals residing within this Province having made Report. In Council. Read and Not accepted. And Ordered That the Selectmen of the several Towns where there are any of the late French Inhabitants of Nova Scotia, now residing, do within thirty days return into the Secretary's Office upon Oath perfect Lists of the Names, Ages and Circumstances of all Such, and of their capacity for labour according to their best Judgment: And that if the Selectmen of any such Towns shall neglect to return Lists as aforesaid, no accounts of charge which they shall hereafter bring on Account of such French People shall be allowed. And further Ordered That this resolution be published in the several Boston News Papers, and that it be likewise printed seperately, and Copies thereof delivered to the several Members of the General Court.

In the House of Representatives. Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 110.

"Nov. 3, 1759. To Doctr Ezekiel Hersey the sum of One Pound nine shillings to discharge his Acct of Medicines and Attendance for the late French Inhabitants of Nova Scotia (sent hither by order of the Government there) placed at Hingham."—*Executive Records of the Council*, *vol.* 4, *p.* 130.

"January 25, 1760. The Secretary by Order of his Excellency the Governor delivered the following Message to the two Houses respectively viz^{t}

Gentlemen of the Council & House of Representatives Sensible of the very heavy and ill regulated Expence which the Province is at in maintaining the French Inhabitants exiled from Nova Scotia and sent as such into this Province, and of which Expence there seems no end—I have taken the the pains to make a particular Examen of the state and circumstances of this matter, which I lay before you and recommend to your serious consideration.

You will see that the total number	is 1017
Of which there is able to Labour	394
Incapable of Labour by reason of old Age 60, years old & upwards	61
Incapable of Labour by Sickness &c^{a}	107
Children under 7 years old	240
Children capable of being put out from 7 to 14 years old	187
Employed in attending and nursing the Sick and Infants	28 is 1017

Upon this Vein I cannot recommend to you any thing better than what I did in my Speech to the Great and General Court on the first day of June 1758. 'Let the 'helpless Infant the Aged the Infirm and those whose duty it is to attend upon them 'be supported in the same manner and under the same Laws as our own People 'are, The Price of Labour will well support the Industrious in this Country, let 'that price be faithfully secured to them, then let those who are able to work 'support themselves and their Families, they will soon cease to be a burthen; they 'will become happy and profitable Subjects'

T: POWNALL.

In the House of Representatives Read and Ordered That the Committee of both Houses appointed to consider the State of the French Neutrals take this Message under consideration and make report.

In Council. Read and Concurred."—*Council Records*, *vol. XXIII.*, *p.* 210.

"Jan. 29, 1760. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Selectmen of the Town of Boxford and fifteen other Towns the sum of four hundred and Seventy eight pounds two shillings and nine

pence, to each the sum respectively due to discharge their Accompts of Expence on the late French Inhabitants of Nova Scotia agreeable to the Schedule to the Warrant annexed."—*Executive Records of the Council, vol. 4., p. 103.*

"February 7, 1760. In the House of Representatives Whereas an Order issued from the Great and General Court the 19th of October last to the Selectmen of those Towns where any French neutrals were then residing enjoyning them in thirty days to return into the Secretarys Office upon Oath perfect Lists of the Names Ages &c: of all such and of their Capacity for labour according to their best Judgment And it was Resolved thereupon, that if the Selectmen of any such Towns should neglect to return Lists as aforesaid, no Account of Charges which they might bring in on Account of such French People should be allowed.

And Whereas it Appears that Notwithstanding the due Attention of the Selectmen of some of the said Towns to the said Order of Court some Returns have not been brought in by reason of Accident within the time limited.

Therefore Voted That such Selectmen have still leave until the eleventh day of February Current to make their Returns and their Towns be intitled to the same benefits as if they had been given in by the time limited in the former Resolve, the above Order of Court notwithstanding

In Council Read and Concurred

Consented to by the Governor."—*Council Records, vol. XXIII., p. 254.*

"April 19, 1760. The report of the Committee on the Affair of the French Exiles from Nova Scotia, having been Yesterday read in Council and sent down.

In the House of Representatives Read and Accepted and thereupon resolved, That in order to prevent the extraordinary expence which this Province have been and still are at in supporting the French People late Inhabitants of Nova Scotia ever since their Arrival they be divided and proportioned to the several Counties in the Province according to what each County pays to the Province Tax, special Regard being had to the Ages and circumstances of the Persons as well as their numbers so as that no one County may be more burthened than another, their ability being considered, and that a Committee be forthwith appointed by this Court to make the proportion aforesaid.

And it is further Resolved that when the division aforesaid is made, each Countys Proportion of said French People be Subdivided to the several Towns and Districts in the respective Counties according to the rule aforesaid. And that a Committee be appointed of the Members of this Court in each County or such others as this Court shall appoint to make the proportion, and that the Removal of the said French People be made by order of said Committee at the Charge of the Province. And that said French People so removed be under the care and charge of the Selectmen of the several Towns and Districts and be Subjected to the Laws of this Province relating to the Poor

In Council Read and Concurred

Consented to by the Governor."—*Ibid., p. 339.*

"April 26, 1760. The Committee appointed the 23d Instant to divide and proportion the late French Inhabitants of Nova Scotia to and Among the Several Counties in the Province made the following Report vizt That the Number of the French Exiles now in the Several Counties of this Province and the Proportion of them to the several Counties according to the Rule prescribed is contained in the Annexed return, and that they be disposed of accordingly.

Now in ye County.		Just Proportion.	Over.	Under.	Now in ye County.		Just Proportion.	Over.	Under.
Suffolk	201	284	–	83	Bristol	61	85	–	24
Essex	227	208	19	–	York	21	61	–	40
Middlesex	274	151	123	–	Dukes County,	–	11	–	11
Hampshire	–	67	–	67	Nantucket	36	16	20	–
Worcester	135	93	42	–					
Plymouth	136	89	47	–					
Barnstable	14	40	–	26		1,105	1,105	251	251

In Council Read and Accepted.

In the House of Representatives Read and Concurred and for the Services above mentioned the following Gentlemen are chosen Committees for the Several Counties. The Charge to be borne as this Court shall order vizt

For the County of Suffolk, Mr Tyler, Capt Humphrys, Capt Metcalf;
For the County of Essex, Mr Higginson, Major Cushing, Mr Phillips;
For the County of Middlesex, Mr Russell, Capt Livermore, Colo Prescot;
For the County of Hampshire, Colo Partridge, Mr Hawley, Mr Enos Nash;
For the County of Worcester, Colo Ward, Capt Richardson, Mr Davis;
For the County of Plymouth, Colo Clap, Colo Watson, Capt Howard;
For the County of Barnstable, Colo Cotton, Capt Bacon, Mr Stone;
For the County of Bristol, Colo White, Capt Akin, Mr Walker;
For the County of York, Nathl Donnel Esqr, Mr John Lord junr,
Mr John Wheelwright, Jeremiah Powell Esqr;
For Dukes County, Colo Newman, Mr Nathl Hancock, Mr Matthew Mayhew;
For Nantucket County, Mr Folger, Capt Obed Hussey, Mr Richard Coffin;
In Council Read and Concurred and the following Gentlemen are joined vizt—

For Suffolk, Samuel Watts and Benjamin Lincoln Esq^rs;
For Essex, Benjamin Lynde and Ichabod Plaistead Esq^rs;
For Middlesex, Samuel Danforth and William Brattle Esq^rs;
For Hampshire, John Worthington Esq^r;
For Worcester, John Chandler Esq^r:
For Plymouth, Gamaliel Bradford Esq^r;
For Barnstable, Silvanus Bourn Esq^r;
For Bristol, George Leonard Esq^r;
For York, John Hill and Richard Cutt Esq^rs;
For Dukes County, M^r John Sumner;
For Nantucket, Josiah Coffin Esq^r;

Consented to by the Governor."—*Ibid.*, p. 374.

"June 5, 1760. In Council, Whereas, Since the Resolve of the Court, of April the 19th last for preventing the extraordinary expence which this Province have been at for supporting the French People late Inhabitants of Nova Scotia. It appears that many of said Inhabitants are desirous of continuing in the Places where they now, are, and some of them being in Places whereunto they are not destined with an Assurance that they will support themselves, and Families without any Expence either to the Province, or any particular Town. Voted That such of said Inhabitants as are so disposed have Liberty to be in any Towns within this Province provided they maintain themselves and Families, and neither the Province, or any particular Town be at any Charge for their Support, Provided Nevertheless, if any such should by Sickness or other unavoidable Accident, become Chargeable, such Charge shall be borne by the particular Town whereunto they were or shall be destined, by the respective Committees of this Court specially appointed for that purpose.

Sent down for Concurrence."—*Ibid.*, p. 403.

"Sept. 6, 1762. Cap^t Brooks who has the direction of the Transports with French Neutrals presented a list of Men, Women and Children amounting to 46 Persons who are Sick.

Advised That his Excellency permit the said French Neutrals to go on Shore at Point Shirley, with the approbation of the Selectmen of Chelsea or one of them, there to remain until further order.

The Governor laid before the Council an extract of General Amhersts letter concerning the Acadians lately arrived from Nova Scotia and desired their Advice on the Subject thereof.

The Council was Unanimously of opinion that as the Assembly is to meet next Wednesday It would be proper to refer the consideration of this Business to the General Court, And that as this Province has already been at great expence in providing for Acadians heretofore sent to it to the amount of £6000. Sterl^g which has never been repaid, and the Memory of this Expence is fresh, It would greatly facilitate the Assembly's coming into proper measures for the taking care of these People, until they can be returned, if the Governor could lay before them an assurance from General Amherst, that a Commissary will be appointed to pay all charges, or if the Province is desired to undertake it, that it will be reimbursed, And it is apprehended that without some such assurance this Business will meet with great difficulties."—*Executive Records of the Council, vol. 5, p. 173.*

"Sometime ago a number of Transports having on board more than Six hundred French Acadians came into this Port; and with them came a Letter from Lieutenant Governor Belcher to me, shewing the necessity he was under to remove these French from his Province in the present dangerous situation of it; and desiring that they might remain on board the Transports in this Harbour until General Amhersts pleasure should be known.

* * * * * *

That the Lieutenant Governor of Nova Scotia was quite oblig'd by the imminent danger which threatned that Province by the French gaining a strong Post in the neighbourhood of it, to remove those People from out of it.

* * * * * *

That common humanity requires that these People most of whom are quite blameless, and all of which whatever their expectations may make them now, will probably after the conclusion of a Peace, become good British Subjects should not be driven from Port to Port at the approach of the severe Season of the Year. Upon these considerations, I must recommend to You to provide a temporary Settlement for these People, leaving to You to determine in what manner and by what means it can be most conveniently done."—*Extract from Gov. Bernard's speech to both Houses, Sept. 16, 1762, Council Records, vol. XXIV., p. 474.*

"Aug. 17, 1763. Advised That the Secretary cause the Accounts to be drawn out for the Support of the French Acadians removed from Nova Scotia at the opening of the War, and that it be transmitted to the Agent properly Authenticated, that he may sollicit a reimbursment of the charge.

And That the Secretary and M^r Bowdoin prepare the draft of a Letter to the Agent on the Subject."—*Executive Records of the Council, vol. 5, p. 271.*

"Aug. 24, 1763. His Excellency having laid before the Board an Application from a Number of the French Acadians for a Passport for about 90 persons in the whole to go to the Island of S^t Peters lately ceded to France. The Board having taken the same under consideration were of Opinion, that it was not expedient at this time for his Excellency to Grant Passports to any of those People to leave the Province, and that it would be adviseable not to do any Public Act concerning them, untill Orders shall be received from England, in what manner they are to be treated and how to be disposed of.

Draft of a Letter to the Agent accompanying Account of the French Acadians Advised to."—*Ibid., p. 272.*

"Jan. 18, 1764. The Secretary went down to the House of Representatives with the following Message from his Excellency the Governor viz^{t}

Gentlemen of the House of Representatives.

I hereby lay before you a translation of a Petition delivered to me by the Acadians, called French Neutrals, now residing at Boston. The Case of these people is truly deplorable: They have none of them had the Small Pox, and they depend upon their daily labour for their Bread. If they don't go about the Town to work, they must starve if they do go about they must contract the distemper, and as they are crouded in small Apartments. and wanting the necessaries of Life they wont have a common Chance to escape perishing. I have in Council advised with the Selectmen, who have consulted the Overseers of the Poor, and they are of Opinion that they have not a power to relieve them. I am therefore obliged to apply to you to help to save these People. If you will furnish them with Provisions, I will order them into the Barracks of the Castle: and as soon as they have been there long enough to appear to be free from the Distemper, they will get admision into other Towns and find Work which at present, as is apprehended would be impracticable.

Fra Bernard."—*Council Records, vol. XXV., p.* 131.

"January 18, 1764. In the House of Representatives. In answer to his Excellency's Message of this day relating to the Acadians. Resolved that his Excellency be desired to order all the Acadians now residing in Boston to be removed to the Barracks at the Castle, and that they be there Subsisted until the fifteenth day of Feby next, and the charge thereof to be borne as this Court shall hereafter Order. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 134.

"Dec. 19, 1764. His Excellency the Governor having communicated to the Board an application he had received from some of the French Acadians who had come to Boston in order to take passage for some of the French Islands, and are now destitute of all means of Support.

Advised That his Excellency recommend to the Overseers of the Poor of the Town of Boston to make particular Inquiry into the Circumstances of those People, and to take an account what Towns they came from, and the Numbers from each Town, and that a Sum not exceeding £25 be advanced to the Overseers for their present Support and that they be desired to devise means for putting an end to this Charge by returning them to their respective Towns if possible and to prevent any more of them from coming in: and to lay some State of the Affair before his Excellency and the Board on Wednesday next.

Advised and Consented That a Warrant be made out to the Treasurer to pay unto the Overseers of the Poor of the Town of Boston the sum of Twenty-five pounds to enable them to support a number of French Acadians now residing in Boston under necessitous Circumstances."—*Executive Records of the Council, vol.* 5, *p.* 345.

"Jan. 23, 1765. His Excellency having acquainted the Board that he had received fresh Application from some of the French Acadians now in Boston for relief under their present distressed Circumstances which his Excellency intended to lay before the House to-morrow, but that their Circumstances require immediate Relief.

Advised That the Overseers of the Poor of the Town of Boston be desired to continue their Care and provide things necessary for their Support until the House of Representatives shall take some Order in the Affair."—*Ibid., p.* 351.

"Jan. 24, 1765. The Secretary delivered the following Message from his Excellency the Governor to the two Houses respectively viz^{t}—

Gentlemen of the Council, and Gentlemen of the House of Representatives. About three Months ago, I was first informed that the Acadians belonging to this Province were going hence in large Numbers to form a Settlement in French Hispaniola. As I have all along considered these people to be British subjects, and have some time ago submitted their case to his Majesty's Ministers of State, and prayed their directions concerning them I could not suffer these Emigrations to be carried on under my Eye, until I had received Orders therefor from home. I therefore with the Advice of the Council issued a proclamation to prevent these transportations. Since which I have received several Petitions from them complaining of the want of subsistence here. With the Advice of the Council, I procured them some relief for the present until the General Court met: I now lay before you their petitions, with other Papers relating thereto, and desire your advice and assistance concerning these People. Their case is truly pitiable: if they go to Hispaniola, they run into certain destruction very few escaping with life, the Effects of the bad Climate there and yet they have no Encouragement to continue in this Country. Humanity more than policy makes me desirous to prevent the remainder of them taking this fatal Voyage: I want not so much to make them British subjects as I do to keep them from perishing. The first consideration must be to provide them present subsistence: after which I should be very glad, if means could be concerted to procure them somewhere some comfortable settlement that they may not be obliged to pursue the desperate Resolution of removing to Hispaniola with little probability of surviving the Experiment.

Fra Bernard."—*Council Records, vol. XXV., p.* 350.

"Jan. 26, 1765. In the House of Representatives. Upon his Excellency's Message of the 24th Inst Ordered That M^{r} Otis, M^{r} Witt, Col^{o} Williams Judge Russell & M^{r} Foster of Plymouth with such as the Hon^{ble} Board shall join be a Committee to take the Message and the papers referred to under consideration & make Report.

In Council, Read & Concurred; and Benj^{a} Lynde, William Brattle, John Choate & James Otis Esq^{rs} are joined in the affair."—*Ibid., p.* 358.

"Feb. 2, 1765. The Committee appointed the 26th Instant on his Excellency's Message of the 24th respecting the French Accadians made Report that a large num-

ber had left the Towns where they were placed to come to Boston in Order to take passage to the West Indies, and some had disposed of their provisions & necessary Utensils, and lost much time in preparing for their removal, whereby they are brought into very necessitous Circumstances; and remain still averse to continue in the Province, so that it would be to no purpose to offer them Lands to settle on: Wherefore the Committee reported as their opinion, that some Assistance be afforded to such of them as are so circumstanced to relieve and support them during the two following Months.

In Council. Read and sent down to the House.

In the House of Representatives, Read and not accepted."—*Ibid., p.* 375.

"Feb. 5, 1765. Nathaniel Ropes Esq^r from the Board went down to the House of Representatives with a Message to inquire if they had passed on the Report relative to the French Accadians If not to desire that the House would immediately take it into consideration as the Board imagine that those people are in a suffering condition."—*Ibid., p.* 383.

"Feb. 15, 1765. In Council, Whereas it has been represented to this Court, that since the removal of a number of the late Inhabitants of Accadie out of this Province several of the Towns where the late Inhabitants of Accadie were placed by order of Court do not consider themselves under the same obligations as heretofore to provide for the Support of such as are in poor and indigent circumstances.

Resolved That it is the Incumbent duty of the Towns where the said late Inhabitants of Accadie have been placed to provide for the relief of such as are in poor & indigent circumstances until a new apportionment shall be made or this Court shall take further order concerning them.

In the House of Representatives, Read and Nonconcurred."—*Ibid. p.* 407.

"February 16, 1765. In the House of Representatives, Resolved That the Accadians now in this Town, that by a former order of this Court are Inhabitants of other Towns within this Province, and are now subsisted, thro' their necessity at the public Charge, be further allowed at the charge of the Province four days provisions more here in order to prepare themselves for their removal, as also necessary provision to support them in their Return to the several Towns to which they respectively belong, allowing eight miles for a days travel. And that at the expiration of the s^d four days all such Accadians be immediately sent to the Towns to which they belong, and that the charge of the Transportation of such of them as shall be unable to travel be paid out of the public Treasury. And that the Commissary General be directed to supply the said Accadians with the aforesaid allowance of provision, and to see to the Execution of this order in regard to their Removal to their several and respective Towns.—In Council, Read and Concurred Consented to by the Governor."—*Ibid., p.* 415.

"Mar. 9, 1765. a Petition of John White—Setting forth That he is one of those unhappy people who were taken from their native Country and brought hither during the last War that he was an Inhabitant of Menis in Nova Scotia and upon his being sent hither placed with others in Falmouth in Casco Bay where they are charged with public charges which adds greatly to their distresses. And praying that they may be excused from paying such Taxes until they shall get into a way of business to provide for themselves and Families.

In the House of Representatives (February 25^th) Read & Ordered that the Assessors of the said Town of Falmouth be directed to abate all the Poll taxes heretofore imposed upon all the French Neutrals so called living in said Town. In Council (Feby 27^th) Read and Concurred. Consented to by the Governor."—*Ibid., p.* 468.

"Oct. 3, 1765. It being represented to His Excellency in Council that there are a number of the French Accadians belonging to other Towns now in the Town of Boston in a suffering condition. His Excellency laid the same before the Board for their Advice.

Advised, That the Overseers of the Poor of the Town of Boston, take the like care of the sick and necessitous among them as of other poor People, and lay the Accounts before the Governor and Council, and the said Overseers take an Account of the Towns the said French people were placed in, that justice may be done in reimbursing the said expence."—*Executive Records of the Council*, 1765-1774, *p.* 54.

"March 12, 1766. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble Royall Tyler Esq^r the sum of Seventeen Pounds eleven shillings and ten pence half penny, to discharge his account for sundry expences on the French Neutrals, Doctors Bills &c by order of the Governor and Council.

Advised and Consented that a Warrant be made out to the Treasurer to pay unto Benjamin Clarke the sum of Fourteen Pounds thirteen shillings and four pence, to discharge his account for Rent of a House eleven months, for the French Neutrals."—*Ibid., p.* 100.

"Oct. 21, 1767. It appearing that Ann Meurs a late French Accadian has not been assigned to any Town and the said Ann appearing to be in a sickly state & as she says incapable of supporting herself.

Advised and Ordered that the Select Men of Salem where she now dwells be directed to take suitable care of her as one of the Province Poor & transmit their accounts to the Secretarys Office to be laid before the Governor and Council for payment."—*Ibid., p.* 259.

"July 12, 1769. To the Selectmen of the Town of Salem the sum of Nine Pounds eleven shillings & five pence to discharge their account for nursing & attendance on one Ann Mears a French Neutral by order of the Governor and Council."—*Ibid., p.* 419.—See, also, 1766-67, ch. 17, and note, *post.*

Chap. 8. "Aug^t 24, 1757. In the House of Representatives Voted. That there

be granted and paid out of the public Treasury to his Excellency Thomas Pownall Esqr Governor in Cheif of this Province the Sum of Three hundred Pounds to defrey the Charges of transporting his Equipage hither. In Council—Read and Concurred.

Consented to by the Governor."—*Council Records, vol. XXII., p.* 89.

"P. S. Post Merid^n^ I am this moment acquainted that the House have voted me £300 Equipage Money and intend to grant my support Bill from the first of May last tho' it be a quarter of a year before my arrival, a thing never before done to any Governor as I am told, for they always dated the supply from the day the Governor published his Commission in the Government."—*Extract from a letter of Gov. Pownall to the Board of Trade, Aug.* 20, 1757 : "*Mass. Bay, B. T.,*" *Vol.* 75, *I. i.*, 8, *in Public-Record Office.*

Chap. 9. "December 31, 1757. A Petition of Jonathan Belding of Northfeild in the County of Hampshire Setting forth that in the Spring of the year 1753 he turned out a black Mare into the Commons belonging to said Town that She strayed away in the Summer, and in the Fall of said year was taken up as a Stray by one Aaron Cook of Hadley, whereupon one George Patterson of Pelham claimed her, and said Cook accordingly delivered her to him, who kept her about three years, and then sold her to one Nash of Hadley who afterwards sold her to one Abner Howe, in whose possession said Mare was, when the Petitioner first discovered her, and knew her to have been his own. But inasmuch as more than three years have been elapsed since said Patterson first had her, he apprehends he is barr'd from bringing his Action for the recovery of said Mare — And prays Releif.

In the House of Representatives Read and Ordered That the Prayer of the Petition be so far granted, as that the Petitioner be and hereby is allowed and impowered to bring and maintain his Action for the Recovery of his Damages for the Trover and Conversion or Detinue of the Mare which he says he has lost anything in the Act of Limitation of Actions to the Contrary Notwithstanding. In Council. Read and Nonconcurred."—*Council Records, vol. XXII., p.* 186.

Chap. 12. The following list, compiled from the executive records of the Council, of persons against whom commissions in bankruptcy were issued under this act is believed to be complete. Against each name is placed the date of the order in Council advising the issue of a commission; and the names of the petitioners, and of the commissioners appointed, are also given in parallel columns.

BANKRUPTS.	Date of advice to issue commissions.	Petitioners.	Commissioners appointed.
Francis Wells and Francis Wells, Jr.	October 27, 1757.	Ebenezar Storer.	Thomas Hutchinson, Ezekiel Goldthwait, Joseph Lee, John Wendell, John Winslow.
Thomas Jackson, Jr.	November 3, 1757.	Grace Gardner.	Jeremy Gridley, Foster Hutchinson, James Boutineau.
Henry Atkins and Henry Atkins, Jr.	December 6, 1757.	John Spooner.	Joshua Winslow, James Boutineau, Nath^l^ Bethune.
James Swift.	December 6, 1757.	Timothy Thornton.	Thomas Greene, James Boutineau, William Skinner.
Edmund Quincy and Sons.	December 21, 1757.	John Tudor.	Jeremy Gridley, Foster Hutchinson, Thomas Flucker.
Cord Cordis.	December 21, 1757.	Oliver Wiswall.	Foster Hutchinson, James Boutineau, Joseph Green.
John Bryant.	December 21, 1757.	Joseph Cook and others.	Henry Vassall, Ralph Inman, Samuel Whittemore.
Thomas Loring.	December 31, 1757.	Francis Barker.	Benjamin Lincoln, Samuel Cushing, Ezra Whitmarsh.
Ebenezer Prout.	December 31, 1757.	John Fayerweather.	Samuel Wentworth, John Rowe, William Skinner.
Hezekiah Blanchard.	January 4, 1758.	Ebenezar Harnden.	Samuel Wentworth, John Rowe, William Skinner.

BANKRUPTS.	Date of advice to issue commissions.	Petitioners.	Commissioners appointed.
Stephen Whiting.	January 4, 1758.	John Irving and others.	Foster Hutchinson, Joseph Lee, John Wendell.
John Ward.	January 5, 1758.	Jacob Wendell.	*Jacob Fowle, *Joseph Bowditch, *William Pynchon.
"	February 15, 1758.	"	John Nutting, Samuel Curwen, Nathaniel Ropes.
Walter Logan.	January 5, 1758,	James Pitts.	Foster Hutchinson, James Boutineau, William Skinner.
John Oliver.	February 6, 1758.	Stephen Kent.	Henry Vassall, Ralph Inman, James Russell.
Jonathan Loring.	February 6, 1758.	Henry Bromfield.	Artemus Ward, Samuel Witt, Henry Barnes.
Thomas Walker.	February 6, 1758.	John Noyes.	Foster Hutchinson, James Boutineau, Joseph Lee.
Abiel Richardson.	February 6, 1758.	Josiah Torrey.	Henry Vassall, Ralph Inman, Samuel Sparhawk.
Joseph Grant.	February 6, 1758.	John Tudor.	Foster Hutchinson, Joseph Dowse, William Skinner.
Moses Deshon.	February 6, 1758.	William Bowdoin.	Joseph Dowse, James Boutineau, Nathaniel Hatch.
John Richardson.	February 6, 1758.	Nathl Greenwood.	James Boutineau, Joseph Lee, Nathl Hatch.
John Phillips.	February 6, 1758.	Joseph Scott and others.	Foster Hutchinson, Joseph Dowse, William Skinner.
Hugh Vans.	February 6, 1758.	Jacob Wendell.	Foster Hutchinson, Joseph Dowse, William Skinner.
Bifield Lyde.	February 6, 1758.	Charles Paxton.	Joseph Green, Joseph Dowse, Nathl Hatch.
Benja Colman and Nathl Sparhawk.	February 14, 1758.	Sir William Pepperrill Baronet.	John Hill, Richard Cutt, Daniel Moulton, James Russell, Benja Austin.
Thomas Whiting.	February 28, 1758.	Samuel Dexter and John Gould.	John Foye, Jonathan Sewall, John Remington.
Jeremiah Osborne and Samuel Osborne.	March 8, 1758.	Foster Hutchinson.	Joseph Dowse, Joseph Lee, Nathl Hatch.
Thomas Cooper.	March 8, 1758.	Alexander Hill and John Soley.	William Skinner, Joseph Dowse, James Boutineau.
Samuel Hanes.	March 16, 1758.	Joshua Cheever.	Foster Hutchinson, William Skinner, Nathl Hatch.
Samuel Serviss.	March 16, 1758.	Samuel Blanchard.	Foster Hutchinson, William Skinner, Nathl Hatch.
Henry Berry.	April 8, 1758.	Samuel Emmes.	John Wendell, William Skinner, Nathl Hatch.

* Resigned.

BANKRUPTS.	Date of advice to issue commissions.	Petitioners.	Commissioners appointed.
John Wendell, Jr.	April 8, 1758.	Jeremiah Green.	James Boutineau, William Skinner, Nathl Hatch.
Abraham Roundy.	May 26, 1758.	Huldah Basset.	John Tasker, Benja Boden, Nathan Bowen.
David Goldthwait.	June 29, 1758.	Hannah Goldthwait.	*Henry Gibbs, John Turner, John Gardner,
	August 1, 1758.†		Joseph Blany.
David Simonds.	June 29, 1758.	William Hall.	Joseph Dowse, William Skinner, John Wendell.
James Hayward.	June 29, 1758.	Benjamin Edwards.	Benjamin Johnson, Stephen Hall, Zechariah Poole.
Samuel Batcheldor.	June 29, 1758.	Josiah White.	*Henry Gibbs, *John Turner, John Gardner,
"	August 1, 1758.†		Joseph Blany,
	October 9, 1758.‡		Daniel Epes, Jr.
Enos How.	June 29, 1758.	Solomon Mills.	John Wendell, William Skinner, Nathaniel Hatch.
Joseph Griffin.	August 1, 1758.	Ebenezer Hawks.	John Tasker. Benjamin Bowden, Nathan Bowen.
Samuel Gray.	August 1, 1758.	John Coffin.	John Wendell, Joseph Dowse, Nathaniel Hatch.
Benjamin Eaton.	August 1, 1758.	Jonathan Gibbs.	Joseph Buckminster, John Jones, John Noyes.
David Miller.	August 1, 1758.	John Miller.	George Watson, Thomas Foster, Capt. Ebenezer Sprout.
Thaddeus Wyman.	October 9, 1758.	John Wyman.	Andrew Boardman, Ralph Inman, Samuel Whittemore.
Giles Tidmarsh.	November 21, 1758.	John Box and Benjamin Austin.	Nathl Hatch, William Skinner, John Wendell.
Thomas Stevens.	November 21, 1758.	Benjamin Lynde.	Joseph Gerrish, junr, Daniel Farnham, Thomas Woodbridge.
Archibald Law.	November 21, 1758.	Jeremiah Lee.	Nathan Bowen, Benjamin Bowden, Isaac Mansfield.

* Resigned. † Date of Blaney's commission. ‡ Date of Epes's commission.

"June 6, 1758. That all Frauds may be prevented in obtaining Commissions of Bankrupcy against Insolvent Debtors.

Advised That Notice be given in all the Publick News Papers for the Space of three weeks successively, of the Petition of any Petitioning Creditor for a Commission of Bankrupcy before a Commission be granted, that all persons concerned may have an Opportunity (if they see cause) of making their Objections thereto."—*Executive Records of the Council, vol. 3, p. 405.*

"To John Pownall Esqr Secretary to the Rt Honble Lords Commissrs for Trade & Plants

Sir,

In obedience to his Majesty's Instructs I have herein sent the Laws which pass'd the Legislature of this Province last Sessions with such my Observations thereon as thereby directed.

I am, Sir,

Your very humble Servt

T. POWNALL.

Boston 11th Octr 1757.

An Act providing Remedy for Bankrupts and their Creditors.

Observations. T. Pownall

Description of a Bankrupt agreeable to the Statute 13. Eliz. c. 7–1 James I. c. 15–21 James I. c. 19. —An overt and avow'd Act of Bankruptcy to be upon Record and Publish'd suited to the circumstances of Trade and Buisness in these Colonies. T. P.

Comand[r] in chief with advice & consent of Council under the seal of the Province to appoint & grant comiss[rs] power &c.

[Sect. 2.] In England the Lord Chancellor issues out the Commission. In this Province there is no Court of Chancery, if there were the Governor is Chancellor — This Clause conformable to the Statutes above quoted. T. P.

This Act was made on occasion of a considerable number of Debtors confining themselves within their own houses for fear of their Creditors and there spending the money that should have gone to the payment of their debts. A great inconvenience complained of before the passing of this Act was, that some of the Creditors attach'd such of the Debtors Estate as could not be secreted and satisfyed themselves whilst others more Remote or *Abroad* did not gett a farthing. This Act is compos'd of the Several Acts of Bankruptcy in England, their several parts are transposed, and brought together, as it is conceiv'd they would have been had they all been but one Act. Some parts particular to the Realm are omitted, some other proper for the Government and State of this Province are inserted. When this Bill had pass'd both Houses I took pains by my own study of it to make myself master of it I also sent for the Chief Justice and Judges of the Superior Court and propos'd the following Questions to them for the better information of my Judgment.

1st Whether the Description of a Bankrupt in this Bill be such as that none but who are truely and actually Bankrupts can have benefit thereby?

2nd Whether there be no Benefitts arising by this Bill to the Debtors, so as to be an encouragement to those *bold pushes* in Trade where the Trader by having no substance runs no risq where all the risq is run by the Creditors and yet in case of failure, the Debtor has a way to escape by this Bill?

3d Whether the Provisions & Penalties in this Bill are such as effectually to prevent all fraudulent practice in the Debtor, whereby thro' means of this Act he may avoid the just payment of his debts?

4th Whether sufficient provision is herein made for the securing the just due and rights of the Creditor?

5th Whether sufficient provision herein made for the effectual securing to the *Creditors in England* their just dues and rights?

6th Whether there be anything in this Bill tending to alter or repeal any Law of Great Britain now in force in the Plantations?

7th Whether there be anything in this Bill contrary or repugnant to the Laws of Great Britain?

Their Answer was. — That the five first Questions were not matters of Law but expediency and effect in the consequence: That in Bills of this nature even the Parliament of Great Britain have from time to time been oblig'd to amend and provide for by further Acts, such former Acts as have been found impracticable and ineffectual in their execution: That it is impossible to answer peremptorily to the effects inquired after in the above questions but that as far as they can see and judge at present they may answer the three former in the negative and the two latter in the affirmative, And that as to the sixth & seventh questions they directly answer in the negative. T. P.

Penalty for perjury committed by the Bankrupt.

[Sect. 12.] By the 5 of Geo. II. c. 30 § 1. 2. 3 the Criminal is made guilty of felony without benefit of Clergy. It was originally so in the early times of England. The people here both Judges as well as Juries are so scrupulously tender in cases of life that they will not in any case find a verdict wherein death is the punishment should the Law prescribe it and no necessity will induce them to make a Law wherein the penalty is death; The Penalty prescribed by this Act is equally deterring and is such as will where it is incurr'd be carried into execution. T. P.

Commiss[rs] to assign or dispose of Debts &c for the benefit of Bankrupts.

[Sect. 22.] An unavoidable defect here arising from the limited jurisdiction of the Govern[t] within the bounds of each respective Province while some of the debts due to the Bankrupt thus propos'd to be assign'd may lye in other Provinces where the jurisdiction of this Act does not extend. T. P.

Public Notice to be given the Creditors of any Bankrupt of the time & place of meeting for the choice of Assignees &c.

[Sect. 25.] Here began my doubts how the Creditors in England should receive such public notice — I was answer'd by the Gentleman of the Law concern'd in this Bill for the Creditors — That no Merchant traded to this Country or had money concerns in it, who had not appointed an Agent or Attorney. T. P.

Assignees to give notice in the public newspapers of the time and place of Comiss[rs] & Assignees Meeting to make Dividend &c.

[Sect. 28.] The time here prescribed supposed sufficient even in case Merchant in England having money concerns here, had not made an Attorney, For Creditors in England to send over proof of their Debts being four months and 21 days at least. T. P.

See also page 315, directing a second Dividend after 18 months. T. P.

Certificate to be signed by the greatest part of creditors &c.

[Sect. 37.] In England two thirds of the Creditors in number and value being Creditors for a sum above £10. must sign the Certificate.

Twas thought by the Assembly that a Majority of the Creditors in number and value (being Creditors for a sum above £10.—) would be sufficient and as secure here as a majority for any other matter in the Act.

Persons petitioning to make Oath & give Bond.

[Sect. 42.] The form of the Petition Bond and Commission according to my direction I send herewith. T. P.

Grants &c. to

[Sect. 53.] As there are Cases where a Person may cutt off an Entail for the benefit of their own Family. This Provision supposes that they ought by this Act

to be obliged to stand in the same case for the benefit of their Creditors. Tho' this may be Equity and is Equitizing as we say in the Colonies of New England where there is no Chancery, Yet how far common Law will admitt of it I submitt. T. P. be good against Bankrupts and their Heirs &c.

N. B. This Bill was printed six months before it was enacted and was sent to all the Trading Towns in the Province for their remarks and was afterwards putt into the hands of two gentlemen of the Law here to be consider'd by one of them on the part of the Creditors by the other on the part of the absconding Debtor Who upon advising with their Principals return'd it as a salutary provision both for Creditors and Debtors. T. P."—*Gov. Pownall to Sec. Pownall: "Mass. Bay, B. T.," vol.* 75, *I. i.*, 24.

"The Secretary having acquainted the Board, that several of the principal Merchants and others trading to and interest[d] in the Province of the Massachusets Bay had desired him to move their Lordships that they might be heard against one of the said Acts passed in August last respecting Bankrupts and their Creditors their Lordships appointed Tuesday next the 13th Inst. for the consideration of the said Act and directed the Secretary to give notice thereof to the said Merchants and others and also to the Agent for the Colony."—*Minutes of the Board of Trade, June* 6, 1758: *Trade Papers, vol.* 60.

"Their Lordships pursuant to the Minutes of the 6th Inst. took into consideration an Act passed in the Province of the Massachusets Bay in August last respecting Bankrupts and their Creditors and several of the principal Merchants and others trading to and interested in that Province attending without and also the Agent for the Province they were call'd in and their Lordships having heard what the Merchants had to offer against the said Act on the one side and also what the Agent had to offer in support of it on the other side they withdrew."—*Ibid., June* 13, 1758.

"The Secretary having acquainted the Board that he had in obedience to their Lordships Orders, sent the Act passed in the Massachusets Bay in August last respecting Bankrupts and their Creditors to S[r] Matthew Lamb for his Opinion thereupon in point of Law, but that he was gone into the Country and would not return in three weeks, their Lordships not thinking it adviseable in a matter which so greatly affects the interests of the Merchants trading to that Country, to wait for Sir Matthew Lamb's Report, Ordered the Draught of a Report to the Lords of the Committee of Council upon the said Act to be prepared."—*Ibid., June* 21, 1758.

"The Draught of a Report to the Lords of the Committee of Council upon an Act passed in the Province of the Massachusets Bay in August 1757, respecting Bankrupts and their Creditors having been prepared pursuant to the Minutes of the 21st inst. was agreed to and ordered to be transcribed."—*Ibid., June* 23, 1758.

See this report in full in note to this chapter, p. 44 *ante*.

"At the Court at Kensington the 28th day of July 1758.

Present

The King's most Excellent Majesty in Council

Whereas by Commission under the Great Seal of Great Britain, the Governor, Council & Assembly of the Province of the Massachusets Bay in New England, are authorized and empowered to constitute and ordain Laws which are to continue & be in force, unless his Majesty's pleasure be signified to the contrary — And whereas in pursuance of the said Commission a Law was passed in the said Province in August 1757, entituled as follows, Viz[t]

An Act for providing Remedy for Bankrupts and their Creditors.

Which said Law having been under the consideration of the Lords Commissioners for Trade and Plantations and also of a Committee of the Lords of His Maj[ty's] most honorable Privy Council the said Lords of the Committee this day presented the said Law to His Majesty at this Board, with their opinion, that the same ought to be repealed; His Maj[ty] taking the same into consideration was pleased with the advice of his Privy Council to declare his disallowance of the said Law, And pursuant to His Maj[ty's] Royal Pleasure thereupon expressed the said Law is hereby repealed, declared void & of none-effect — Whereof the Gov[r] or Command[r] in Chief of the s[d] Province for the time being & all others whom it may concern, are to take notice and govern themselves accordingly.

A true Copy W. Sharpe."—*Order in Council: "Mass. Bay, B. T.," vol.* 77, *K. k.*, 6, *in Public-Record Office.*

"To the Right Hon[ble] the Lords of the Committee of His Majesty's most Hon[ble] Privy Council for Plantation Affairs.

My Lords,

Pursuant to Your Lordships Orders dated the 9th of May and 22[d] of Dec[r] 1758, We have had under Our Consideration eighty nine Acts pass'd in the Province of the Massachusets Bay in the Years 1755, 1757 & 1758; and We beg leave to lay the same before your Lordships, with the necessary Observations upon them.

Among these Acts there is one entitled *An Act for providing Remedy for Bankrupts and their Creditors*, pass'd in August 1757, on which We did at the Request of several of the principal Merchants trading to the Province of the Massachusets Bay report Our Opinion to your Lordships on the 29th of June 1758, And in Consequence of our said Report, His Majesty was pleased, by His Order in Council dated the 28th of July following to disallow and annull the said Act."—*Lords of Trade to Lords of Council: ibid., vol.* 85, *p.* 11.

See, further, act of 1760–61, chap. 16, *post*, and notes thereto; also the letter of Mr. Bollan to Secretary Oliver, in note to 1759–60, chap. 26, *post*.

Chap. 15. "April 23, 1757. A Petition of the Inhabitants of Merryconneage Neck praying to be sett off and incorporated into a separate Township and District, and to be enabled to Tax the dormant Lands at one Penny per Acre in order to defray

publick Charges amongst them—In Council; Read & Ordered that the Consideration of this Petition be referred to the Second Wednesday of the next May Session—

In the House of Representatives Read & Concurred."—*Council Records, vol. XXI., p.* 498.

"June 14, 1757. A Petition of Sundry Inhabitants of Merryconeague Neck Praying as entred 13 Octo^{r} last, and on the 23 April following referred to the second Wednesday of the May Session. In Council. Read together with the Answer of the Town of North Yarmouth, and Ordered That Richard Cutt Esq^{r} with such as the honourable House shall join be a Committee to hear the Parties, consider of the Affair and Report what they judge proper for this Court to do thereon, and that the Parties appear for that Purpose on the second Friday of the next Sitting.

In the House of Representatives. Read and Concurred, and M^{r} Sparhawk and M^{r} Bradbury are joined in the affair."—*Ibid., vol. XXII., p.* 54.

"December 6, 1757. A Petition of the Inhabitants of Merryconeague Neck as entered 23 April last—Praying to be erected into a Township—Read again together with the Report of a Committee appointed to consider the same, in favour of said Petition. In Council. Read and accepted—And Ordered That the Petitioners have liberty to bring in a Bill accordingly.

In the House of Representatives. Read and Concurred."—*Ibid., p.* 136.

Chap. 16. "Halifax August 9, 1757,

Sir. This will be delivered to your Excellency by Lieutenant Murray, of Lieutenant Colonel Frasers Highlanders, one of the Regiments I propose should be Quartered this Winter in Boston, as this Battalion is new raised, it's for his Majesty's Service that they should be as much together as possible and that their Quarters &c, may be provided and Adjusted, I have sent this Officer by way of Quarter master, that he may be able on their Arrival, to Conduct them immediately to their Quarters, that the Transports may be at liberty to depart.

I am with the greatest regard
Sir
Your most ob^{t} humble Serv^{t}
LOUDOUN

To His Excellency Govern^{r} Pownall."—*Archives in the Office of the Secretary of the Commonwealth, vol.* 109, *p.* 428.

"It is his Excellency the Earl of Loudouns Orders that you proceed to Boston as soon as possible, there to apply to his Excellency Governor Pownall for convenient Quarters for a Battalion of Highlanders Commanded by Lieut Col^{o} Fraser consisting of One Lieutenant Colonel two Majors, eight Captains, thirty Subalterns, six Staff Officers, forty Sergeants, forty Corporals, twenty Drummers, and one thousand private men. You are to have their Quarters and fireing in readiness against their arrival. JAMES ROBENSON

To Lieut John Murray D Q^{r} M^{r} Gen^{l}.
of his Majestys second Highland Battalion."—*Ibid., p.* 429.

"August 25, 1757. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses viz^{t}

Gentlemen of the Council and House of Representatives.

I shall order to be laid before You a Letter which I have received from his Excellency the Earl of Loudoun by which it appears that a Regiment of Highlanders in his Majesty's Service may soon be expected here, where his Lordship proposes they be quartered; and an Officer of the Regiment is sent hither in order to prepare and adjust the Quarters &^{c} that so the Transports may be discharged and at liberty to depart immediately after their Arrival. I have also ordered a Copy of his Orders to be laid before You; that You may see what is required and expected, and also the Numbers to be provided for.

Any Votes or Grants to defrey the Expence that may attend the quartering Troops in the Province I am sensible must originate with the House of Representatives and to their consideration, I recommend the providing for such Expence. The Troops are sent hither for the preservation and security of this and the other Colonies. Nobody can think it reasonable they should be destitute of Quarters, and if they do not find such provided they will Plead necessity and provide for themselves. I have it much at heart Gentlemen, to remove all grounds or pretence for such Necessity. This is a point that lies beyond the Limits of any Power I have to enter into the discussion of: all that remains with me is, that I cannot but think it my duty from a sincere regard and tenderness for the People whom You represent to wish that You would so provide, that the Civil Magistrate may be the Person who* adjust these Quarters, and that a Law of the Province may be a rule of the manner in which it should be done.

I would therefore propose and recommend to You an Act impowering and requiring the Civil Magistrate to take up and assign such Quarters under such Regulations as that the Troops may be well accomodated, and yet the Province as little burthen'd as is possible. In England the Troops are confin'd to publick houses extraordinary cases excepted; In such cases as in the last year the People have voluntarily acquiesced in receiving Troops in their private houses. In Scotland and Ireland it has been found necessary to quarter Troops on private Houses. Whether Provision can be best made here by Barracks or by Quartering partly on private houses and Partly on publick you are the best Judges.

When You consider the vast national charge in subsisting and transporting these Troops, the expence of quartering them must appear to You comparatively a

* shall?

very small Burden. I am well assured that his Majesty expects that his Subjects in this and the neighbouring Colonies will cheerfully provide for it. I should think myself extreemly unhappy if under my Administration this Proposal should be rejected, when one of the same nature was complied with the last Year, during the Administration of the late Leiutenant Governor. And if any difficulties should hereafter arise from defect of such Provision, You Gentlemen and the People whom You represent will do me the Justice to acknowledge that I Recommend Such to You.

Council Chamber, T. Pownall.
August 25, 1757.

The Secretary laid before the two Houses a copy of his Lordships Letter dated Hallifax August 9, 1757, together with the Deputy Quarter Master General's orders to Leiutenant John Murray for providing Quarters, referred to in the foregoing Message. And another Letter likewise from his Lordship dated from aboard the Winchelsea 18 August 1757."—*Council Records, vol. XXII., p.* 91.

"Aug^{t} 31, 1757. In the House of Representatives. Ordered that Col^{o} Hale, M^{r} Pratt and M^{r} Tyng with such as the honourable Board shall join be a Committee to prepare the draft of a proper answer to his Excellency's Message to both Houses of the 25th Instant, and report. In Council. Read and Concurred and Thomas Hutchinson and William Brattle Esq^{rs} are joined in the affair."—*Ibid., p.* 106.

"Aug^{t} 31, 1757. In the House of Representatives. Voted that M^{r} Speaker, M^{r} Flucker, and James Russell Esq^{rs} with such as the honourable Board shall appoint be a Committee with the leave of his Excellency to provide Materials & to employ Workmen for building new Barracks or repairing any old Buildings to serve as Barracks at Castle Island or Governors Island, so that together with the Barracks already provided on Castle Island for seven hundred Men, there may be sufficient in the whole to receive and accomodate One thousand, exclusive of Officers. And the said Committee are likewise to provide Materials and employ Workmen to make additional Buildings for Officers, so as that in the whole there may be accomodations for the Officers of one Regiment. And that the Commissary General be directed to provide necessary Articles usually allowed for Barracks viz^{t} Beds, Kettles, Bowls and Spoons if need be, also half a Cord of Wood ℔' week for each Fire place, with a sufficiency of Lamps and Oyl for Lights. In Council. Read and Concurred, and Jacob Wendell and William Brattle Esq^{rs} are joined in the Affair. Consented to by the Governor."—*Ibid., p.* 107.

"Aug^{t} 31, 1757. In the House of Representatives. Ordered That there be allowed and paid out of the Public Treasury into the hands of the Chairman of the Committee appointed to take Care of building and repairing the Barracks &^{c} at Castle Island or Governors Island the Sum of Four hundred Pounds, the said Committee to be accountable. In Council. Read and Concurred.

Consented to by the Governor.—*Ibid., p.* 109.

"Aug^{t} 31, 1757. The Committee appointed to prepare the draft of an Answer to his Excellency's Message of the 25th Instant made Report of the Same.

Signed Tho^{s} Hutchinson ℔' Order

In Council. Read and Ordered That the Report be accepted and that Sir William Pepperrell with Such as the honourable House shall appoint be a Committee to wait on his Excellency with said Message accordingly.

In the House of Representatives. Read and Concurred and M^{r} Turner and M^{r} Tyng are joined in the Affair.

The said Message accompanying the Report is as follows. viz^{t}

May it please your Excellency. The Council and House of Representatives in consequence of your Excellency's Message of the 25th Instant have agreed that this Government shall be at the charge of Additional Barracks on Castle Island or Governors Island, so as with those already built to accomodate a Regiment of One thousand Men with their Officers, and have appointed a Committee to effect the Works, and to provide Utensills, Firing and Light for the use of the Barracks.

They are far from apprehending that the expence of quartering the Kings Troops, that are or may be sent here, may of right be insisted upon or demanded from the Inhabitants of this Province. They are sensible that they ought to contribute as far as is in their Power to their own defence against their Enemies. For this Purpose the Government is already under such Engagements, that there is no prospect of being able to comply with them without relief from his Majesty; and it was in humble confidence of this relief that these Engagements were made, The General Court is every day going on further to involve the Province.

Your Excellency has been pleased to recommend this Additional Expence: If it be agreeable to Your Excellency that the Government should advance towards the charge of the War in this way, rather than another, the two Houses are willing to conform: but at the same time they cant help observing to your Excellency, that there are certain Limits which the People will not be able to exceed, and that the more they contribute in one shape, the less they will be able to do in another. They earnestly desire your Excellency's favour in representing to his Majesty the present involved State of the Government notwithstanding the extraordinary Taxes which are annually paid vastly out of proportion to any other Colony; That the Inhabitants of the Province daily leave it, and go into other Governments; and that unless his Majesty will be graciously pleased to cause a part of the great Sums which have been advanced, and which the Province is now in debt for to be reimbursed; it will not be possible for this Government to contribute to the War in the proportion it has already done."—*Ibid., p.* 111.

"November 26, 1757. The Secretary by Order of his Excellency the Governor delivered the following Message to both Houses respectively viz^{t}

Gentlemen of the Council and House of Representatives

About three weeks agoe severall of the Officers of his Majesty's Troops arrived at

Boston from Nova Scotia in order to recruit the Regiments to which they belong and made their application to Me to provide them Quarters. I was very sensible that the Service which these Gentlemen were ordered upon could not be carried on if they were to be lodged in the Barracks which you had provided at Castle William, and therefore I directed them to make their application to the Magistrates in the Town of Boston to quarter and billet them in that Town. I explained to those Magistrates the Nature, and represented the necessity of furnishing Quarters; Notwithstanding which they declined complying with this application, in consequence whereof his Excellency the Earl of Loudoun has been pleased to send me a Letter, which I received last night by express, and which I shall direct the Secretary to lay before You.

You will perceive, Gentlemen, that his Lordship insists upon the Right of the Demand. His Majesty's Service, the protection and defence of his Colonies very much depend upon a Compliance with it. It is an Affair of such Importance that I must recommend it to your most serious and immediate Attention.

A M. Novr 26, 1757. T. POWNALL.

Then the Secretary having read to the Board the Earl of Loudoun's Letter referred to in his Excellency's Message carried the Same down to the House of Representatives.

In the House of Representatives. Ordered That Mr Speaker Mr Pratt, Colo Williams, Colo Choate, Mr Tyng, Mr Flucker and Mr Gridley together with such as the honourable Board shall join, be a Committee to take his Excellency's Message of this Forenoon to both Houses, together with the Letter from his Excellency the Earl of Loudoun accompanying the Same under consideration and report what they judge proper for this Court to do thereon. In Council. Read and Concurred and John Osborne Andrew Oliver, Joseph Pynchon, Thomas Hutchinson, Stephen Sewall and John Erving Esqrs are joined in the Affair."—*Ibid., p.* 121.

"Novemr 28, 1757. John Osborne Esq from the Committee appointed to take under consideration his Excellency's Message of the 26th Instant to both Houses Reported the Draft of an Answer thereto. In Council. Read and Sent down, as also a Bill intituled An Act making Provision for the quartering and billeting Recruiting Officers and Recruits in his Majesty's Regular Forces employed for the Protection and defence of his Majesty's Dominions in North America."—*Ibid., p.* 123.

This bill was passed to be engrossed, in concurrence, Nov. 30, and the next day was passed to be enacted, and signed by the Governor.

"New York Decembr 6th, 1757.

Sir, Yesterday morning I was favoured with yours of Novbr 28th which had come by Albany; by it I was in hopes that on the fair State I had made of the Right the King and the Mother Country had to Quarters for their Troops, sent at the sole Expence of the Mother Country, for the Defence of his Majesty's Dominions, and the Protection of the Lives and Properties of his Subjects in North America that every Thing would have gone as it has, and ought in the other Provinces.

But in the Evening I had the Favour of yours of Decbr 1st with a Copy of the Act pass'd by the Legislature of the Massachusetts, by which they have laid me under the disagreable, but the absolute Necessity of settling this Point at once, as the Consequence of my acquiescing under it, would at once throw the whole Continent into Confusion, from South-Carolina to Boston, and turn three fourths of the Troops at once into the Streets to perish at this Season of the Year.

I observed to you in my Letter from Albany, that the Assembly had no Concern in the King's Right to Quarters for his Troops, as in Time of Peace it is settled and regulated by an Act of the British Parliament, which no Act of theirs can infringe, or diminish. I likewise observed that in Time of war, the Troops must be posted in such Numbers as the Necessities of that War make requisite, and that the Rules laid down for the Time of Peace, give Place to the Rules and the Customs, and necessities of War as practised in the Mother Country, and as practised in the Countries of not only allied, but even of neutral Princes all over the Globe.

Surely the Gentlemen have not considered this Act before they passed it, for by it, if it could have any Force, they have barred the King from marching his Troops thro' his own Dominions, to oppose the most cruel of all Enemies, now actually in his Country, and threatning further Invasions every Day.

I shall not go on to make any further Observations on the Act, as I cannot help seeing from this step of the Assembly, after the last Letter I writ from Albany, and from finding that after all the prudent measures you have taken, to prevent them from infringing the Rights of the Crown, and from taking measures, that from endeavouring to set aside an Act of the British Parliament, must at once throw the whole Continent of North America into such Confusion as must be its instant Ruin, 'tis unnecessary to make any of the many Observations I could on the Act, as I see this has put all further Negotiation out of Doors, and put me under the disagreable necessity of settling it myself, to prevent the fatal Consequences of the Measures they have entred into, and in which they are entirely Voluntiers, by refusing Quarters to a few recruiting Parties only.

Nothing can be more disagreable to me than having Disputes with the People of Boston, for whom I have always had the greatest Regard, from the Zeal and Loyalty they have always professed for their King and Country.

And as at Present from some Fatality, Things have taken a different Turn, they must pardon me if I do my Duty in preserving the Constitution by supporting the Rights of the King and the Mother Country, and in preventing the ruinous Mischiefs flowing from such Measures."—*Loudoun to Gov. Pownall, Mass. Archives, vol.* 56, *p.* 274.

"December 14, 1757. The Secretary by order of his Excellency the Governor delivered the following Message to both Houses respectively, and at the same time

laid before them a Letter from his Excellency the Earl of Loudoun refer'd to therein viz^{t}

Gentlemen of the Council and House of Representatives

Last Night by Express I received from his Excellency the Earl of Loudoun a Letter from New York of the 6th Instant, which I shall direct the Secretary to lay before you. You will perceive by this Letter, that the late Act of this Province providing for the quartering and billetting recruiting Parties, is very far from answering his Lordship's Expectations.

As the Case is now circumstanced, I must earnestly recommend to You proper measures to terminate this Affair in such a manner, as to avoid all prejudice to his Majesty's Service in General, and to the Interest of this Province in particular at so critical a Juncture.

The foregoing Message was immediately taken into Consideration. And.

In the House of Representatives Ordered That M^{r} Speaker, Col^{o} Hale, Col^{o} Choate, M^{r} Prat, and M^{r} Tyng with such as the honourable Board shall join be a Committee to take his Excellency's Message of this Forenoon, together with the Letter from his Excellency the Earl of Loudoun to the Governor, accompanying the same under consideration, and report what they judge proper for this Court to do thereon. In Council Read and Concurred and John Cushing Thomas Hutchinson, Stephen Sewall, John Erving and William Brattle Esq^{rs} are joined in the Affair."—*Council Records, vol. XXII., p.* 152.

"December 16, 1757. The Committee appointed the 14 Inst on his Excellency's Message to both Houses—reported that the following Message be sent to his Excellency the Governor in answer thereunto viz^{t}—

May it Please your Excellency.

Your Excellency's Message of the 14 Inst together with the Letter which You had received the Evening before from his Excellency the Earl of Loudoun have been considered by Us with very great attention; and we hope that notwithstanding his Lordship's present Sentiments, when the whole of our Conduct and the reasons of it are considered by him we shall recover his Lordships favourable opinion, and the Harmony which now seems to be in some measure interrupted will be fully restored.

Our Apprehensions of the Extent of the Act of Parliament so far as it relates to Quarters & Billeting, differ from those of his Lordship, It is his Lordship's Opinion that those parts of the Act extend to his Majesty's Colonies and Plantations, We are sensible that the Act in some parts of it expressly extends to the Plantations, and in others to all his Majesty's Dominions beyond Seas, and such parts have been observed accordingly in this Province. but we are as fully satisfied, that so far as it relates to quartering and billetting it was intended to be local, and this appears not only from the words of the Act, but from the nature and reason of the thing, seeing one General Rule can never serve the several parts of Great Britain only, much less the several Colonies and Plantations in America also. But notwithstanding this we have never denied or doubted that wheresoever his Majesty's Troops shall be sent for the Protection and defence of his Dominions, Quarters and Billetting must be provided as often as they are necessary. Considering the great charges to which this Province has been exposed we could not think it reasonable that any part of the Expence should be borne by Us, but being strongly urged to it, and being desirous of freeing the Inhabitants from the burden of quartering Soldiers in their Houses, we have enlarged the Barracks on Castle Island and furnished them with necessary Utensils; and they are capable of containing a Regiment of One thousand men with their Officers. This was the number which your Excellency recommended to us to provide for, upon your first coming to the Chair. Divers recruiting Parties have since applied for Quarters and Billetting to the Civil Magistrates who did not think themselves warranted by any Laws then in being to assign them. Upon Your Excellency's Message of the 26th November last an Act has passed providing for quartering and billetting such Parties: and this Provision is as similar to the Act of Parliament as can consist with the differing State of the Towns and Districts in this Province from that of the Cities, Boroughs &^{c} in England and Wales, and of Berwick upon Tweed.

We had no intimation that any further Troops were expected in the Province. We freely own that We hoped his Majesty's Service would not require an additional number to march or be posted here, but we never intended by this partial Provision to signify that we would not make further provision when the Service should require it. We are really at a loss what step to take to terminate this Affair, for his Lordship dos not seem dissatisfied so much from the insufficiency of what we have done as from the manner of its being done, by a Law of this Province. The main point in difference seems to be this His Lordship insists that sufficient Laws, Rules, and Customs are already in force for quartering and billetting his Majesty's Forces and that Nothing further is requisite except that the Civil Magistrate carry them into execution; We conceive that when in ordinary Cases his Majesty's Forces are to be quartered and billetted in the Province, an Act of the Legislature is requisite to impower the Civil Magistrate to do it. We are ready to pass An Act making Provision in such cases for quartering and billetting such Forces as shall be necessary for our protection and defence as similar as may be to the Provision made in England. We have never supposed that upon extraordinary occasions when our preservation or defence made it requisite to march or Quarter a greater number of Troops than could be quartered agreeable to the regulations made by Law, we must not submit to the Rules and Customs which in like cases are allowed and practised in our Mother Country, We rely upon it that a greater number of Forces will not be ordered into the Province than what his Majesty's Service and the Purposes aforesaid render necessary.

We beg leave further to observe, and we doubt not your Excellency will think it a proper occasion. That the Inhabitants of this Province are intitled to the Natural rights of English born Subjects; that by the Royall Charter the Powers and Priviledges of Civil Government are granted to them; that the enjoyment of these rights, these Powers and Priviledges is their Support under all burdens and Pressures; this will animate and encourage them to resist to the last breath a cruel invading Enemy; the loss or hazard of these Enjoyments from any other cause naturally tends to deject and dispirit them. If our adherence to these Rights and Privileges shall in any measure lessen the Esteem which his Lordship had conceived for Us, and make a Breach upon that Harmony which has hitherto subsisted, it will be our great Misfortune, but we shall have the satisfaction of reflecting that both in our Words and Actions we have been governed by a sense of duty to his Majesty, and Faithfulness to the Trust committed to Us.

The Foregoing Message being reported and read, In Council was sent down to the House of Representatives.

In the House of Representatives. Read and Accepted and Ordered That Col° Hale, Col° Choate, Col° Fowle, Judge Russell and Col° Williams with Such as the honourable Board shall join be a Committee to wait upon his Excellency with the foregoing Message. In Council Read and Concurred, and John Osborne Benjamin Lynde, John Chandler and Isaac Royall Esq^rs^ are joined in the affair."—*Ibid.*, *p.* 156.

"New York December 26, 1757.

Sir, I had the favour of Your's of the 16^th^, with a Copy of the Address from the Assembly to you, from which, and from your Assurances I can depend on their making the Point of Quarters easy in all Time coming, and on Your Application, for which I shall always have the greatest Regard, I have Countermanded the March of the Troops, which I was lay'd under the necessity of Giving, as the Footing things had been put on was big with so many Mischiefs to this Part of his Majesty's Dominions.

As to the Dispute the Gentlemen seem willing to enter into of the necessity of a Provincial Law to Enforce a British Act of Parliament, I shall not enter into it at all; as the Administration is wise and Powerfull and will take their own Methods in setling Affairs of that Nature.

As to the Gentlemen's imagining that this Affair has made a difference between them and me, I shou'd be very sorry to see things in that Light. They and I have seen things in a different Light, and that Affair is now Accomodated, and I imagine setled, so that there is a Total end of it.

And it cannot enter into my Mind to imagine that the Province of the Massachusetts will not continue to be at least among the Foremost on the Continent to shew that Zeal for his Majesty's Service, and to cooperate with his Servants to the Utmost for the good of those Province's in North America; as those are Things for which they have justly claimed so much Merit.

As to my Part I will assure You, that I have the greatest Regard for the Province of the Massachusetts bay; and that not only now but on all Occasions, no Man in the Province will be more Zealous in supporting them in their just Rights and Privileges.

Before I close this letter tis necessary that I should remind you that it has not yet come to my knowledge that any Provision has been made for the Ranging Companies I asked of the Province by my Circular Letter of September, when I formed a Plan of Reducing the Expence of the Provinces by dismissing the Surplus of the Provincials above the numbers of the Rangers, which I found necessary for the service during the Winter.

Altho your Assembly had not met when I dismissed the other part of the Provincials, I kept no more of yours than an Adequate number to what the other Province's had ordered that your Province might reap the same Ease that the other Provinces did But as those Companies remaining with me are not compleated in Officers, I must again desire that you will fill up those Vacancies; and I can have no doubt that your Assembly will enable You to put those Companies either on the Footing of those kept up by the other Provinces, or in some other manner enable them to perform the Services thro' the Winter, for which they are kept up.

I can have no doubt of this, as from their Wisdom they must see the necessity there is at all Times, and more particularly at this, in the time of War of keeping up that mutual Confidence and unanimity among the Provinces so very essential for their Defence, for shou'd it come out in the last days of December, that the Province of the Massachusetts was the only one that had refused to come into my Plan laid before them in September after all the others had come into it owning the great Saving it was to them, it must have the Effect of taking off that mutual Confidence so essential to the whole, as tis to be apprehended it would create for the future a Delay every where, and none would come into any measures proposed till they had consulted their neighbours to know what they were to do, the consequence of which would be that the King by his Servants must take such a long time in every negotiation that no Business con'd be done, a Thing I am sure that the Province of the Massachusetts would not chuse to be the Authors of; and as You are so well acquainted with the Business of this country, this, and many more arguments must occur to you, which you I am sure will lay in a strong Light before the proper People, and cannot fail of Success.

Wishing You the Compliments of the Season, I am with sincere Regard,

Sir,

Your most Obedient

Humble Servant

His Excellency Governour Pownall LOUDOUN.

As about 100 Men of the Troops lately Arrived from England are drafted into

the Regts in Nova Scotia I propose to send them to Castle William there to Remain till such time as they can be conveniently shipped off for Halifax."—*Mass. Archives, vol. 56, p. 288.*

"January 2, 1758. In Council His Excellency having been pleased to communicate to the two Houses a Letter from the Right honourable the Earl of Loudoun dated New York December 26, 1757. Voted That Benjamin Lynde, Thomas Hutchinson and William Brattle Esqrs with such as the honourable House shall join be a Committee to take the same into consideration and report what they shall judge proper for the two Houses to do thereon.

In the House of Representatives Read and Concurred and Mr Speaker. Colo Williams, Colo White and Colo Ruggles are joined in the Affair."—*Council Records, vol. XXII., p. 188.*

"January 6, 1758. The Committee appointed the 2d Instant to take under consideration the Earl of Loudoun's Letter of 26 Decr which his Excellency the Governor was pleased to communicate to the two Houses reported the following Message to his Excellency.

May it please your Excellency.

We are very glad to perceive by the Letter from his Excellency the Earl of Loudoun, which you have been pleased to direct the Secretary to lay before Us, That the Conduct of the General Court is so well approved of, and that his Lordship has thereupon countermanded the Orders which he had given for marching the Troops to be quartered and billeted within this Province. We thank your Excellency for your good Offices in our behalf and for the care and pains which we are sensible you have taken to avert the troubles which seemed to be coming upon Us. We doubt not that future Assemblies will act upon the same Principles with this Assembly, and that the Massachusetts Province will always deserve the favourable Opinion of the General of his Majesty's Forces.

We wish to stand perfectly right with his Lordship, and it will be a great Satisfaction to Us if we may be able to remove his Misapprehension of the Spring and Motive of our Proceedings. His Lordship is pleased to say that we seem willing to enter into a dispute upon the Necessity of a Provincial Law to enforce a British Act of Parliament. We are utterly at a Loss what part of our Conduct could give occasion for this Expression.

The Point in which we were obliged to differ from his Lordship was the Extent of Provision made by Act of Parliament for regulating Quarters. We thought that it did not reach the Colonies. Had we thought that it did reach us, And yet made an Act of our own to enforce it, there would have been good Grounds for his Lordships Exception; but being fully persuaded that this Provision was never intended for Us, what better step could we take, then agreeable to the twentieth Section in the Articles of War to regulate Quarters according as the Circumstances of the Province requires, but still as similar to the Provision made in England as possible. And how can it be inferred from hence that we suppose a Provincial Act necessary to enforce an Act of Parliament?

We are willing by a due exercise of the Powers of Civil Government (and we have the pleasure of seeing your Excellency concurr with Us) to remove as much as may be all pretence of necessity of military Government. Such measures we are sure will never be disapproved by the Parliament of Great Britain: our dependance upon which we never had a desire or thought of lessening. From the Knowledge your Excellency has acquired of Us, You will be able to do us Justice in this Regard. In our Message to your Excellency which you had transmitted to his Lordship we declared, that the Act of Parliament, the Extent of which was then in dispute, so far as relates to the Plantations had always been observed by us. The Authority of all Acts of Parliament which Concern the Colonies and extend to them are ever acknowledged in all the Courts of Law and made the Rule of all Judicial Proceedings in the Province. There is not a member of the General Court, and we know no Inhabitant within the Bounds of the Government that ever questioned this Authority.

To prevent any ill Consequences that may arise from an Opinion of our holding such Principles, we now utterly disavow them, as we should readily have done at any time past, if there had been occasion for it; and we pray that his Lordship may be acquainted therewith, that we may appear in a true Light, and that no Impressions may remain to our disadvantage. In Council. Read and Accepted and Ordered That Sir William Pepperrell, Stephen Sewall, and James Bowdoin Esqrs with Such as the honourable House shall appoint be a Committee to present the same accordingly. In the House of Representatives Read and Concurred and Mr Tyng, Colo Choate, Colo Hale, and Mr Bacon are joined in the Affair."—*Ibid., p. 198.*

A printed copy of this act was enclosed with the following letter to the Lords of Trade:—

"Boston Decr 1st, 1757.

My Lords,

I had the honour to acquaint your Lordships that upon an application from the Earl of Loudoun in August last for Quarters for one of the Highland Battalions, the Legislature enabled me to prepare Barracks for them, but these upon the Island whereon Castle William stands prove intirely insufficient for the purposes of the Recruiting parties sent since into this Province: the Recruiting Officers therefore by my direction applyed to the Magistrates for Quarters; the Magistrates apprehending that the Act of Parliament in this point did not extend to America and that there was no Law of this Province impowring them to billet soldiers, told the Officers that they could not be justified in doing it but by Law and refused to do it.

I immediately acquainted Lord Loudoun then at Albany with the state of the case, his Lordship wrote me a letter insisting on the right of quartering: The Legis-

lature being now sitting I immediately next Morning sent a Message to them layed Lord Loudoun's letter before them & required them to make provision for quarters in immediate compliance to his Lordships demand.

The two Houses went immediately into a Bill making provision for quartering these, or any Recruiting parties that should be sent into the Province, of which by their desire I by express acquainted his Lordship and with all possible dispatch (sitting on Sunday) pass'd it thro' both Houses and sent it up to me, to which I gave my assent, enacting it into a Law.

I think myself extreamly happy in having obtained, tho' not perhaps just in the way that might have been more agreeable the end his Lordship seem'd to aim at, as it may prevent any difference arising betwixt his Lordship & the people on the point of the right, his Lordship apprehending as one point, that the Act of Parliament in the Article of Quarters doth extend to North America & as another from the nature & necessity of the thing he has a right to quarter: the people on the other hand tho' they unanimously allow that from the nature & necessity of the thing his Lordship ought to have a right to quarter his Soldiers, yet the Act of Parliament not extending to America, and there being no Act of the Province for quartering that it lyes with them to make provision by law.

And I have this day had the honour to acquaint his Lordship they have done so (for all Recruiting Parties) on the same terms & at the same rates as are prescribed by Act of Parliament in England &c. with a Penalty on the Magistrates refusing to do it. I am with all duty & respect, My Lords, Your Lop^s^ most obed^t^ faithfull & most humble servant,

T. POWNALL."

—"*Mass. Bay, B. T.*," *vol.* 75, *I. i.*, 20, *in Public-Record Office.*

"Boston 18 Jan^ry^, 1758.

My Lords,

In my last letter of Dec^r^ 1^st^ 1757 I had the honor to write your Lordships that I thought myself extreamly happy in having obtain'd an Act providing for such quarters as were then wanted tho' not perhaps in the way that might have been more agreeable to Lord Loudoun yet so as to remove all occasion of difference between his Lordship and the people of this Province upon the point of the right. His Lordship has been of opinion that it was of the utmost importance to settle the right and in consequence of his Lordship's letters thereupon and my messages I have received from both Houses of Legislature the two Messages which I enclose.

However much both sides seem'd dissatisfyed with me during the negociation of this affair which I had the difficulty to transact between his Lordship and the People while there was any difference, I am very happy to see, that now it is agreed, both sides approve my conduct, as it argues at least an uniformity in such. His Lordship is pleas'd in his letter of Dec^r^ 6^th^ to approve as he kindly expresses it, the prudent measures I had taken to prevent their infringing the rights of the Crown, and the Legislature here do now in their Message sufficiently express their sense of the regard I have to the people." — *Gov. Pownall to the Board of Trade Jan.* 18, 1758: *ibid.*, *vol.* 76, *I. i.* 31.

"Aug. 31, 1757. To Jacob Wendell Esq^r^ in behalf of the Committee appointed to take care of building the Barracks on Castle Island &c. the sum of Four hundred Pounds, the said Committee to be Accountable." — *Vote of Council advising the draught of a warrant: Executive Records of the Council, vol.* 3, *p.* 294.

"Mar. 9, 1758. Advised & Consented that a Warrant be made out to the Treasurer to pay unto Jacob Wendell Esq^r^ in behalf of the Committee for making an addition to the Barracks at Castle William the sum of Forty eight Pounds to be by them paid to whom the same is respectively due, being the ballance of their Acco^t^ for Materials and Work done in that service." — *Ibid.*, *p.* 345.

Chap. 17. "July 12, 1757. It having been represented to his Majesty's Council that divers Actions have been Commenced in the Counties of Plymouth Barnstable and Bristol upon especial Act of this Province for a general Muster that was to be had on the 22^d^ day of March last against the People called Quakers for not appearing under Arms on said day.

Resolved that it be recommended to the Justices of the Courts in said Counties respectively to Continue all such Actions as have not yet been tried, and to suspend the issuing of Executions in consequence of any Judgments which may have been Obtained upon any such Actions, until the General Court shall have had Opportunity to take Cognizance of such Representation and to determine thereupon."— *Executive Records of the Council, vol.* 3, *p.* 278.

"August 17, 1757. A Petition of Cornelius Allen and Others of the People called Quakers at Dartmouth—Setting forth That Actions have been commenced against divers of their Brethren for not appearing at the Military Muster by Law ordered to be had on the 22^d^ day of March last, that Judgments have been obtain'd against Some, and Executions against Others. That their Nonattendance was not occasioned by Obstinacy or disaffection to the Government, but that it was for Conscience sake they refused to attend; they having always approved themselves no less zealous for the British Interest than Others of the Community, And praying for Releif. In Council. Read and Ordered That Samuel Danforth and William Brattle Esq^rs^ with such as the honourable House shall join be a Committee to take this and the annexed Petition under consideration and report what they shall judge proper to be done in the Case.

In the House of Representatives. Read and Concurred and Col^o^ White, Capt^n^ Bacon and M^r^ Stone are joined in the Affair."—*Council Records, vol. XXII., p.* 75.

"Aug^t^ 23, 1757. A Petition of Joseph Wing—Setting forth That he is now a Prisoner in Barnstable Goal for not appearing at the General Muster by Law ordered to be had on the 22^d^ day of March last. That He is one of the People

called Quakers; and that his Nonappearance was not owing to obstinacy or disaffection; but that upon conscientious Principles he neglected to appear at said Muster. And Praying Releif.

In the House of Representatives. Read and Ordered That this Petition be committed to the Committee of both Houses appointed on the Petition of Cornelius Allen & Others; to consider and report thereon, & that Mr Pratt be of the said Committee in the room of Colo White who is absent. In Council. Read and Concurred."—*Ibid.*, *p.* 84.

"January 31, 1764. A Petition of Joseph Wing of Falmouth in the County of Barnstable and Melatiah Gifford of the Town and County aforesaid, both of the People called Quakers—Setting forth, That at an Inferior Court of Common Pleas held at Barnstable in May 1757, Moses Swift Clerk of the Military Foot Company of said Falmouth recovered Judgments upon a Law of this Province for Twenty pounds with Cost of Suit, for not appearing at a Military Muster of said Company; and that Executions were issued upon said Judgments, and they thereupon committed to Barnstable Goal, and there detained for some months, until they were dismissed on the 1st January 1758 by order of the General Court. And the Spring following the Sheriff of the said County did seize and secure so much of the Real Estate of the petitioners as to satisfy the Demands of the said Clerk. And inasmuch as their Non appearance aforesaid was the mere Result of Scruples of Conscience, and this Court has in time past relieved such as had suffered on account of their Consciences or religious Persuasions, which favours are gratefully acknowledged: They likewise pray for the like Favour, and that their Inheritances may be restored.

In the House of Representatives; Read and Ordered That the Petitioners serve the Clerk of the Military Company in Falmouth with a Copy of this Petition that he shew Cause (if any he hath) on the second Wednesday of the next May Session why the Prayer thereof should not be granted.

In Council Read and Non Concurred. And Ordered That Nathaniel Sparhawk Esqr with such as the honorable House shall join be a Committee to take this Petition under consideration and make Report.

In the House of Representatives Read and Concurred and Doctr Smith and Mr Wood are joined in the affair."—*Ibid.*, *vol. XXV.*, *p.* 176.

"Feb. 1, 1764. A Petition of John Gorham of Barnstable Setting forth, That there were committed to him divers Executions upon Judgments obtained against Joseph Wing, Melatiah Gifford and Halsell O'Reily of the People called Quakers for not attending military Musters, who were thereupon committed to Gaol in Barnstable, who were afterwards discharged by Order of Government, but no provision was made for the Petitioner to recover his Fees. And Praying Relief. In Council Read and Ordered That this Petition be committed to the Committee appointed to take under consideration the Petition of Joseph Wing and Others.

In the House of Representatives Read and Concurred. And in consequence thereof the following Order passed vizt.

In the House of Representatives; Read and Ordered that the sum of Three pounds, nine shillings and two pence be granted out of the Publick Treasury to the Petitioner or his Order in full for his Fees within mentioned. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, 182.

"February 2, 1764. The Committee appointed the 31st of January on the Petition of Joseph Wing and Melatiah Gifford having made report, the following Order passed thereon vizt In Council Read and sent down

In the House of Representatives Ordered That the Petitioners be directed to notify Moses Swift within mentioned to lodge in the Secretary's Office on or before the second Wednesday of the next Sitting of this Court an account on Oath of his trouble and charge in prosecuting the said Wing and Gifford to final Judgment and Execution; and at the same time to direct the said Swift to signify in writing under his hand on what terms he is willing to relinquish his Right and Title to the Lands taken in Execution: and that the within Petition be referred for further consideration to the next sitting of this Court. In Council Read and Concurred."—*Ibid.*, *p.* 186.

"February 11, 1765. A Petition of Joseph Wing and Melatiah Gifford of the people called Quakers, praying to be restored to the possession of their Inheritance taken by Execution to satisfy a Judgment obtained against them for not attending a military muster, as entered the 31st January 1764.

In the House of Representatives, Read again, and Ordered that there be, and hereby is granted unto Moses Swift, to be paid out of the public Treasury to Thomas Smith Esq for the use of sd Moses the sum of Twenty one pounds, he giving a good Quit Claim Deed to Joseph Wing of the Real Estate which he took from him by Execution in 1758 for a military fine and Costs, and also pay to him the Rents and profits of said Estate until this time. And sd Moses also giving another quit Claim Deed to Melatiah Gifford of the Real Estate which he took from him by Execution the same year for a Military fine and Costs.—In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 397.

Chap. 18. "Boston 14th Augt, 1757.

Sir,

* * * * * *

We have no Militia Law here that is effectual, I did venture to propose to the Council that I might use and exercise Law Martial on this occasion, according to a Clause in the Charter, and whether they would advise me to issue a Proclamation for this purpose? this they would not advise me to, and I could not do it without their advise and consent. I meet the General Court on Tuesday and have hopes

given me of obtaining a Militia Law immediately after which I shall come up to the Frontiers where I will endeavour to form a considerable and effective Body of Men which if I can do, you shall not wait a Moment for any assistance I can give." —*Extract from Gov. Pownall's letter to Gen. Webb:* "*Mass. Bay, B. T.,*" *vol. 75, I. i, 5, 27, in Public-Record Office.*

"Boston, Aug^{t} 20th 1757.

Sir.

What has happened and what I have done since my last to you of the 16th instant, the inclosed papers from 32 to 43 will better acquaint you that I can possibly in words. I have the pleasure to acquaint you that both Houses of the Legislature have approved the steps I have taken, tho' I have exceeded the powers of their Charter, as you will here see by their addresses to me, which I enclose and they are making provision for the expense I have incurr'd therein: And tho' it is an old bone of contention, yet I shall be able to obtain a Militia Law, which I hope will be effectual."—*Extract from letter of Gov. Pownall to Board of Trade: ibid., I. i.,* 8.

"New York, Sept^{r} 26th, 1757.

My Lords,

* * * * * *

At the last Sessions of the General Court of Massachusetts, I recommended the forming by Law an Effectual Militia. They were not able to go thro' with the consideration of it last Session. They appointed a Committee to form, in the Recess of the Court a Bill for that purpose and from a Confidence in my intentions and measures, gave them leave to consult and advise with me. I have settled what I hope will get thro' the House and be effectual.

I have recommended the same to the Gov^{r} of Connecticut who approves it and will try the same in his Colony. I have not now my Papers by me—I can only say that my scheme proceeds upon the idea of a Province Piquet Guard from the whole Militia of about 6,000 effective men, well armed and disciplined, and ready to turn out upon all occasions. Which, in my opinion is better than the whole 41,000 that will never turn out to any one good purpose. Nevertheless the whole Militia, except this Piquet, is to stand as it now does, by the old Law.

I have the honor to be my Lords
Your Lordships
most obedient &
most humble Serv^{t}
T. POWNALL.

The Rt. Hon^{ble}
Lords Comm^{rs} for Trade &c."—*Ibid. I. i.,* 15.

"An Act in addition to the several Acts of this Province for regulating the Militia.

Arms &c. to be enquir'd into. [Sect. 1.] This inquiry used to be made but once a year, 'tis now to be made by a view of arms every Training day. T. P.

Penalty for Non appearance. [Sect. 1.] This 9^{s} is in addition to what he was to pay before in all making 15^{s}. T. P.

Clerks to take a List &c. [Sect. 1.] This return to prevent frauds in the Captains on training daies, no provision in this case before therefore trainings were become nothing. T. P.

The Clerk on oath to prosecute Delinquents. [Sect. 1.] All this quite new to render trainings effectual. T. P.

Persons except Troopers how to be furnished with arms &c. [Sect. 3.] Addition and new

Persons on the Alarm List to have their Arms &c. viewed. [Sect. 4.] Those on the alarm List used to lend their arms to those on the training List to appear with, this Provision breaks up that fraud. T. P.

Penalty for neglect or refusing [Sect. 5.] Additional. Regimental Musters.

Persons in the Frontiers to carry arms &c. [Sect. 5.] Additional.

Non Comission officers & soldiers [Sect. 6.] New and never could be obtain'd before. T. P.

to be provided with bayonets & in what manner. [See 1711-12, chap. 9.]

Penalty for not appearing with Bayonets &c. [Sect. 6.] This brings up the penalty for neglect of appearance on a Training day to 17^{s} T. P.

Penalty for non-appearance on alarm. [Sect. 8.] Additional.

Penalty for Mutiny or Desertion. [Sect. 8.] A most material point and what never could be obtain'd till now since the existence of the present charter. T. P.

Penalty for an officer or Private [Sect. 9.] Additional and new. T. P.

man refusing or neglecting to obey the orders of his Superior officer

Captain of the Troop Guards &c. [Sect. 12.] Additional and quite new. T. P.

to transmit Lists of their companies to Secretary's office.

Each Captain &c. to make Oath. [Sect. 13.] Additional and quite new. T. P.

—"*Observations by Gov. Pownall in his letter to Secretary Pownall, Oct.* 11, 1757: *ibid., I. i.,* 24.

"Boston 15th Jan^{ry}, 1758.

My Lords,

It being my duty to report to Your Lordships from time to time the measures of my Administration, I humbly beg leave to lay before Your Lordships the several matters I have recommended this last Sessions to the Legislature of the Province I have the honor to command and what has been done thereon

Apprehending that the first step towards annoying the Enemy abroad was to be

first secur'd at home, I thought it my duty upon my coming to the chair of this Government to enquire how the Country was prepared for such Defence. I had occasion at my very first entrance to know and to find the Militia totally ruin'd, ineffectual and useless, and I have since upon enquiry found that the Defence of the Inland Frontiers was not more to be depended on in case of any Incursions of the Indians. I have propos'd a Militia Law that may be effectual, and tho' this be a point that could never yet since the existence of the present Charter be carried, I have the happiness to acquaint Your Lordships, that I have after one or two unsuccessfull attempts had the fortune this last Sessions to succeed in obtaining an Act providing for the duely mustering arming & disciplining every able bodied man within the Province and further for the regular ordering and governing of such when upon an Alarm or Invasion call'd out to service.

I have in this Province thirty two Regiments containing in all upon the Alarm List Forty five thousand seven hundred and sixty four men of which 37,446 are by law oblig'd to train and turn out into the field upon any Alarm or Invasion under this Law—that now makes Mutiny and Desertion death—I now therefore hope after having modell'd and fram'd this body of men into more and smaller Regiments and other Divisions better adapted for training & disciplining them to see the Antient and Military spirit of New England revive in proportion as their Discipline reforms.

I also laid before them as referr'd to in my speech a Method (No. 2.) of defending their Inland Frontiers in which I have the pleasure to see them intirely acquiesce and they will make provision accordingly."—*Extract from letter of Gov. Pownall to Lords of Trade: ibid., I. i., 25.*

"Feb. 14, 1758. Advised that Five hundred more of the Acts lately passed the General Court for regulating the Militia within this Province be Printed, and dispersed to the Captains of the several Military Companys within the Province."—*Executive Records of the Council, vol. 3, p. 339.*

"March 23. 1758. In the House of Representatives. Whereas the great Scarcity of Labourers which will be the natural consequence of so large a Body of Forces as are raised and to be raised for his Majesty's Service within this Government the present Year makes it necessary that such as are left be not called off from their Labour.

Voted That all Persons borne on the Alarm List be and are hereby exempted from all Military Musters, and other Military Duty, excepting in case of Alarm on the second and third Mondays in April, the first Monday in May, and the first Tuesday in June next, as enjoined them by an Act passed in the last Sessions of this Court intituled An Act in addition to the several Acts of this Province for regulating the Militia, and all Persons are hereby excused from every Fine that might have been incurred by force of said Act had this Exemption not been made, as also from taking the Oath in said Act required untill the last Monday in October next. In Council—Read and Concurred."—*Council Records, vol. XXII., p. 292.*

§ 6. "June 8, 1758. To James Otis Esq^{r} the sum of Sixteen Pounds thirteen shillings to discharge the Acco^{t} of Bayonets supplied Capt Richard Baxters Company in the Regiment of Militia under his Command.

To Samuel White Esq^{r} the sum of Forty nine Pounds to be by him paid to whom due for Bayonets supplied part of the Regiment of Militia under the Command of Col^{o} Ephraim Leonard."—*Executive Records of the Council, vol. 3, p. 409.*

"June 14, 1758. To John Ashley and others the sum of One hundred eighty two Pounds two shillings and eight pence for Bayonets supplied the Militia (pursuant to an Act for further regulating the Militia) agreeable to the Schedule to the Warrant annexed."—*Ibid., p. 411.*

"June 15, 1758. Voted that no Warrant be Advised for the Providing of Bayonets for the Companies of Militia in this Province unless the Captain or Chief Officer of the respective Companies to whom by Law it belonged to provide the same and to exhibit the Acco^{ts} thereof shall in their several Acco^{ts} so to be exhibited particularly mention the Names of the Persons unto whom the same were delivered."—*Ibid., p. 413.*

"July 7, 1758. Ordered in Council by Advice that the several Officers of Militia who have furnished any of the Men in their respective Companies with Bayonets, do make Oath before some Justice of the Peace to their respective Acco^{ts}, and to the List of the Persons who received the same before their Acco^{ts} be allowed and passed."—*Ibid., p. 418.*

"Oct. 9, 1758. To Capt. Peter Coolidge and others the sum of Two hundred seventy nine Pounds thirteen shillings to discharge their Acco^{ts} of Bayonets supplied the respective Military Companys under their Command agreeable to an Act of this Province entitled An Act in Addition to the several Acts of this Province for Regulating the Militia."—*Ibid., p. 432.*

"Oct. 14, 1758. To Nathaniel Coolidge and others the sum of Fifty eight Pounds ten shillings to discharge their respective Acco^{ts} for Bayonets supplied the Military Companys under their Command agreeable to Law."—*Ibid., 434.*

"Nov. 4, 1758. To Capt. Thomas Chute and others the sum of Sixty seven Pounds eighteen shillings to discharge their Acco^{ts} of Bayonets supplied the respective Companies of Militia under their Command agreeable to Law."—*Ibid., p. 439.*

Chap. 19. "March 16, 1758. M^{r} Flucker from the House of Representatives came up to the Board with a Message proposing to proceed to the choice of Collectors of Excise on Spirituous Liquors by joint Ballot of the two Houses, to morrow 3 o'clock Afternoon. Samuel Danforth Esq. from the Board informed the House by Message the Board agreed to the Proposal of the House saving that they would further propose to come to the choice at 11 o'clock in the Forenoon — To which the House agreed."—*Council Records, vol. XXII., p. 272.*

"March 17, 1758. The two Houses agreeable to their Resolutions of Yesterday proceeded to the Choice of Collectors of the Excise on Spirituous Liquors by joint Ballot of both Houses, and after counting & sorting the Votes by a Committee it appeared that the following Persons were chosen by a Major Vote. viz[t]

For the County of Suffolk	M[r] Thomas Fletcher.
For the County of Essex	Daniel Epes Esq.
For the County of Middlesex	M[r] John Remington
For the County of Hampshire	M[r] Gad Lyman
For the County of Worcester	Gardner Chandler Esq
For the County of Plymouth	M[r] Israel Turner
For the County of Barnstable	M[r] Daniel Davis
For the County of Bristol	M[r] Seth Williams Jun[r]
For the County of York	M[r] Daniel Clarke
For the County of Dukes County	M[r] Ichabod Wiswall
For the County of Nantucket	John Bunker Esq."

—*Ibid., p.* 275.

"February 1, 1760. In the House of Representatives. The Petitions of John Erving jun[r] Mess[rs] Gilbert Deblois, William Whitwell and William Hunt were read again and the following Resolve passed viz[t]

Whereas the Petitioners have confessed Judgment at the last Inferior Court of Common Pleas for the County of Suffolk for breach of the Act of Excise Anno 1757 and incurred the penalty of £200—each two thirds whereof is due to this Government and one third to the Collector of Excise. And Whereas it appears that there was no intentional Fraud in the Petitioners and that the Collector has received his Dues for Excise, and so no injury has incurred to the Government—Therefore Resolved That the Governments part of the Fine be remitted to the Petitioners respectively. In Council. Read and Concurred Consented to by the Governor." —*Ibid., vol. XXIII., p.* 239.

Chap. 20. The act of 1752-53, chap. 15, was extremely obnoxious to the Baptists, whose efforts to secure its modification or repeal are detailed in the following petitions. Although these petitions were summarily dismissed, it would seem that they, eventually, procured the desired relief; for the act of the present year was revived and continued until Jan. 1771, before which time a still more favorable act was passed (1770–71, chap. 10.) in which the Legislature showed such deference to the feelings of the Baptists as to designate them, in the title and body of the act, "Antipedobaptists" instead of "Anabaptists" as formerly. This last act was succeeded by the act of 1774-75, chap. 6, which was continued in force after the adoption of the Constitution. See, also, the action of the Privy Council on chapter 5, of 1768, note, *post*.

"To His Excellency William Shirley Esq[r] Captain General and Governour in Chief in and over His Majesty's Province of the Massachusetts Bay in New England, and to the Hon[ble] His Majesty's Council and the Hon[ble] House of Representatives in General Court Assembled at Boston the 29[th] Day of May Anno Domini, 1754.

The Memorial and Remonstrance of Thomas Green, Thomas Boucher, Ebenezer Moulton, Ephraim Bosworth, Joseph Collins, Phillip Freeman, Joseph Gould, Thomas Chency and John Procter a Committee appointed in behalf of several Society's of the People called Baptists Inhabitants within the said Province,—Humbly set forth,

That in the Royal Charter granted by their Majesty's King William and Queen Mary to the Inhabitants of this Province, wherein Your Memorialists, and all their Brethren of the said Baptist Persuasion are included, Their said Majesty's were graciously pleased to Ordain, That We and every of Us, and Our Children, that should be born here, or on the Seas in coming here or returning from hence shall have and enjoy all Libertys and Immunities of free and Natural Subjects, to all Intents Constructions and Purposes whatsoever, as if We, and every of them were born within the Realm of England, and for Our further Ease & Encouragement, Their said Majesty's of their Princely Wisdom, Royal Grace and Meer Motion did further Grant Establish and Ordain to Us, under the mildest Appellations of Loving Subjects, Our being denominated Anabaptists in any wise Notwithstanding, That there shall be Liberty of Conscience allowed in the Worship of GOD to all Christians, except Papists, inhabiting or which shall inhabit or be resident within this Province or Territory—From these summary Abstracts, May it please Your Excellency and Honours, We Apprehend it plainly Appeareth that Your Memorialists, in their said Capacity, and all other His Majesty's good Subjects of the Baptist persuasion whether they be denominated by the Terms of General or Particular Baptists, Learned or Illeterate, it matters not, in point of the Royal Indulgence to them so graciously and freely granted, but that they and every of them, his Majesty's Loyal and loving Subjects of the said Baptist Persuasion, have as good Ample and Extensive a Right to Think and Act for themselves in matters of a Religious nature, and have indeed as Absolute and Unlimited an Indulgence to perform the Worship of Almighty GOD, consonant to their Conciences, and that with Impunity, as any, or all and every of the other respective Dissenting Churches and Societys within this his Majesty's Province or Territory Whomsoever, be they Congregationalists, Independents, Presbyterians or however otherwise denominated, These points being thus briefly Premised, In which We pray that this Hon[ble] Court will not look with a Severe Eye on your Remonstrants in that they Insist upon and claim their Priviledges by birth right, more especially when it is considered, that so long since, as from the Year 1692, to the Year 1728, Our said Brethren of the Baptist Persuasion, Inhabitants of this Province, have been more or less harrassed and Oppressed with Ministerial Rates so called, And notwith-

standing the express Royal Indulgence to them granted, by the Charter as before mentioned, have with a high hand and by Compulsion, contrary thereunto, been enforced to pay Ministerial Taxes for the Maintenance of such Ministers as are in Fact Dissenters themselves, and upon whose Ecclesiastical Administrations, Our said Brethren, could not in point of Conscience Attend, and for their refusal to pay such Ministers Rates, have oftentimes, had their Bodies Seized upon and thrown into the common Goal as Malefactors, and their Cattle Swine Horses Household furniture and Implements of Husbandry forceably distrained from them & shamefully Sold, many times, at not One quarter part of the just Value by reason that People of real Virtue and Goodness were generally disinclined to buy or even bid at such sort of Coercive Outerys, whereby the Estates of Our said Brethren became a Prey to Griping Officers & their Attendants, forasmuch as generally speaking the Bill of Charges brought by the distraining Officer for himself and his Assistants, would be so Swelled, inclusive of the Ministerial Rate as nearly to counterballance the several Articles distrained from Our brethren aforesaid—It is with Regret, that We find Ourselves Compelled to look back so many years past, on the repeated Usurpations over the Bodies & Estates of Our said brethren, & however disagreeable the Retrospect may be, it is, indeed, We think at this juncture become quite necessary (as perhaps may appear in the Sequel) in order the more clearly to convey a just conception of Our Grievances to Your Excellency and Honours, to unfold things as they then really Existed. Inasmuch as from the like Injurious Fountain of Ministerial Assessments, Our present Oppressions derive their Origin, With all due difference, therefore Your Memorialists proceed further to Observe, That the heavy Pressures & Afflictions occasioned by the aforerecited distraints Imprisonments and the Losses consequent thereupon for Ministerial Taxes, made many of the said Baptists bend, almost ruined some of Our People, and disheartned others to such a degree, that they Moved with the remaining Effects they had left out of this Province, We have herein, in the abovementioned state of Our Case, been briefly, and in One general View pointing from the Year 1692 down to the Year 1728, at which last mentioned time affairs seemed to be drawing to a Crisis, Ministerial Taxes were drove with Vehemence, through the Province (Excepting the Town of Boston, and some few other Towns) even Episcopalians, as well as Baptists and Quakers, were indiscriminately laid hold on, and some Imprisoned for Ministers Rates, Four of Our Friends & Brethren about this time were brought down out of the Countrey, & thrown into Boston Goal, which when Lieut Governour Dummer who was then at the Head of the Government, had information of, he expressed a singular displeasure at such harsh proceedings, & forthwith Ordered them out of Prison with free liberty to return home to their respective Families—Our Friends and Neighbours the said People called Quakers, and Our said brethren, the Baptists, being no longer able to endure these continued Impositions & Severitys, by their respective Memorials made Application Once & again to the General Court for relief, which at length after considerable Cost & Charge to the Memorialists, produced the first Act of Exemption so called, Intitled An Act to Exempt Persons commonly called Anabaptists, and those called Quakers within this Province from being Taxed for and towards the Support of Ministers, This was in the first & second Years of his present Majesty's Reign, but as this Act only Exempted their Polls and not their Estates, & being remarkably limited to such Persons only as lived within Five Miles of the place of Meeting, it was bantered and laughed at even by some of the principal Gentlemen of the then General Assembly & called in Derision the five Mile Act, in Allusion to the famous Act made in England against the Dissenters in the Angry persecuting times of King Charles the Second, [17 Car. II.] —Both Baptists and Quakers hereupon renewed their Applications to the General Court determining if they could not Obtain further relief here to carry home their several Complaints to the King where they were well assured of full redress—This produced a second Act in the Year, 1729, wherein the Baptists & Quakers were Exempted both as to Polls & Estates but clogged however with a limitation for less than five years, at the Expiration of this second Act which brings Us to the Years 1733 & 1734, Our said Brethren were again Obliged to apply to the General Assembly, Governour Belcher being then in the Chair, And an Excellent Friend he really was to the Baptists & Quakers through the whole of his Administration, nor can We Omit in point of gratitude further to declare in this Our Memorial that the late mentioned & truly Honble Lieut Governour Dummer was indeed Our good Friend & quite Averse to every thing tending to Oppress the Quakers & Baptists —In the Year 1734, upon Application again made as aforesaid A Third Act passed to Exempt Persons commonly called Anabaptists from Ministerial Taxes this third Act was more clear accurate & better drawn than either of the former & therein it is expressly set forth That to the intent it may be better known what Persons are of that Persuasion & who are Exempted by this Act, That the Assessors of each Town where any of the said Anabaptists live or their Lands in their own Actual Improvement lye, shall take a List of all such Persons & forthwith transmit the same to the Clerk of the Town, which list shall be entred on the Record of such Town by the Clerk, that so any of the People called Anabaptists or any Members of their Society thereto appointed may View such List, have a Copy thereof if they desire the same paying only Six pence therefor, And if any Person of that denomination shall be Omitted in such List by the Assessors taken and the Assessors shall be Certified thereof in Writing under the hands of Two Principal Members of that Persuasion appointed thereto by the respective Societys, that such Persons not inserted in their List they believe to be Conscientiously of their Persuasion & they do frequently & Usually Attend their Meeting for the Worship of GOD on the LORDS Day, the Assessors shall also Exempt the said Persons so Omitted & their Estates in their Actual Management & Improvement as well as all

others inserted in the said Lists from all Rates & Taxes by the said Assessors to be made for the Support of the Minister or Ministers in their Towns or for Erecting places of Publick Worship, this Act to continue for Five years &c^r—Our Oppressions on Account of Ministerial Taxes as aforesaid seemed now to appear upon the decline, yet nevertheless in reallity have in a considerable measure been continued throughout every of the said Acts by reason that as in the former, so also in the last recited Act there was no Sanction, no Penalty annexed on the said Assessors for their default of not doing their Duty in taking such Lists of the People called Anabaptists in their respective Towns as the Act directed—And when Our said Brethren have at sometimes reminded the Assessors of their Omissions herein, They were generally Snubbed & in a Contemptuous manner Answered That the Assessors knew nothing of any such Act, nor would they concern themselves therein, Other Assessors more knowing & Intelligent insisted upon it that as there was no Penalty affixed on the Nonperformance of taking such Lists of the Anabaptists in their respective Towns They would not trouble their heads about it, So that in most if not every Town of this Province where Our said Brethren dwell, no such Lists as the said Act points out were ever taken, or at least that We could ever come to the knowledge of. Which Omissions of Consequence exposed several of Our brethren to Journeyings some of Forty Miles, others to a more & less distance in Order to procure Certificates from their respective Societys that they were Baptists, The loss of Time Travel & Expences from hence Occasioned, has sometimes Amounted to more than the Ministerial Tax—Upon the Expiration of this third Act the Baptists were again for the Fourth time exposed to the further Trouble Cost & Charge to apply to the General Court for a renewed Exemption which at length produced a Fourth Act of the like Tenor & Import with the Act last before recited (which brings Us to the Year 1740) & this fourth Act was Enacted to be in force for the term of Seven Years, during all which time last expressed the said Assessors persisted to the great detriment of Our said Brethren in their Omissions as aforesaid this said last Act being as utterly void of any Penalty on them for their Neglect as the former, We are now coming to a more happy Epocha—namely, to the Year 1747, under the Mild & good Government of Your Excellency,—At the Expiration of this fourth & last Act which was to end in the said Year 1747, Our said brethren, many of them, being near worn out with so many Applications & repeated Struglings to Obtain a just redress of their Grievances as aforesaid, were determined to make Application to His Majesty but so it remarkably came to pass that in this very Year of 1747, the General Assembly of this Province made an Act for reviving & continuing sundry Laws expired or near expiring wherein the Act to Exempt Persons commonly called Quakers & also the Act further to Exempt Persons commonly called Anabaptists & every Clause Article & thing therein contained were Revived Continued & to remain in full force Ten Years from the Publication of this Act, Your Excellency, His Majesty's Council & the House of Representatives therein publickly, like Wise & good Legislators, declaring in so many Words that the aforesaid Laws (to Exempt the said Quakers & Baptists) have by Experience been found beneficial & necessary—This was the most Generous just & kind Treatment that the Baptists & Quakers ever experienced from the General Assembly of the Massachusetts Bay & inasmuch as it was purely the effect of their own good Will & meer motion, not being Sollicited therefor, & the Exemption extended to a longer term of Years than any of the former Acts it was still the more beneficient & failed not to penetrate the hearts of all Our People with proportionate Sentiments of Real thankfulness to the whole General Court, & in a singular manner to Your Excellency under whose Serene Administration it had its first Operation, The Baptists now & with good reason as might be supposed justly Expected after all their former Tossings Conflicts & Afflictions to have enjoyed Peace & Rest in the Land, for at least the term of Ten Years commencing as aforesaid, but these their Expectations were it seems soon cut down & Withered For so indeed it was that sometime about the beginning of the last Year 1753, Your Excellency, unhappily for Us, being then in Europe, That the Lieu^t Governour, Council & House of Representatives passed An Act which is Surprisingly Intitled 'An 'Act in Addition to an Act passed the 13^th Year of His present Majesty's Reign, 'Intitled "An Act further to Exempt Persons commonly called Anabaptists within '" this Province from being Taxed for and towards the Support of Ministers."' which runs thus—

"Whereas notwithstanding the Provision already made by An Act made & passed "in the 13^th Year of His present Majesty's Reign Intitled 'An Act further to Ex-"'empt Persons commonly called Anabaptists within this Province from being Taxed "'for & towards the Support of Ministers in Order to Ascertain & make known "'what Persons are of that Persuasion which denominates them Anabaptists, & who "'shall enjoy the Priviledges & be esteemed as Intitled to the Exemption from "'Taxes &c. in said Act mentioned, many doubts have already arisen thereon & in "'many Cases the said Exemption has been extended to many Persons to whom the "'same was never designed to Extend, For preventing thereof for the future & in "'Order to Ascertain more effectually what Persons shall be Esteemed & Accounted "'as Anabaptists & to whom the said Exemptions shall be hereafter extended Be it "'Enacted by the Lieu^t Governour, Council & House of Representatives, That no "'Person for the future shall be so Esteemed to be an Anabaptist as to have his Poll "'or Polls & Estate Exempted from paying a proportionate part of the Taxes that "'shall be raised in the Town or Place where he or they belong, but such whose "'names shall be contained in the Lists taken by the Assessors as in said Act pro-"'vided, or such as shall produce a Certificate under the hands of the Minister & of "'Two principal Members of such Church setting forth, that they Conscientiously

"'believe such Person or Persons to be of their Persuasion & that he or they Usually
"' & frequently Attend the Publick Worship in such Church on LORDS Days.
"' And be it further Enacted, That *no Minister* nor the *Members* of any Anabaptist
"' Church as aforesaid shall be Esteemed qualified to give such Certificate as aforesaid,
"' other than such as shall have Obtained *from three other Churches* commonly called
"' Annabaptists in this or the Neighbouring Provinces, a Certificate from *each respect-*
"' *ively* That they esteem such Church to be One of their denomination & that they
"' Conscientiously believe them to be Anabaptists, The several Certificates aforesaid
"' to be Lodged with the Town Clerk where the Anabaptists (desiring such Exemp-
"' tion) dwells, sometime betwixt the Raising or Granting of the Tax & the Assess-
"' ment of the same on the Inhabitants. This Act to continue & be in force for Five
"' Years from the Publication thereof and no longer."'——This truly strange sort of
Ar. Act Your Remonstrants have herein as above transcribed at large as it stands and present the same in Open View to Your Excellency & this Hon^ble Court, with all respectful Modesty and defference craving leave to Observe That as there is no Legislative Power or Authority whatsoever Existing in this His Majesty's Province of the Massachusetts Bay but what stands Subjected & Answerable to a much higher Tribunal at Home, And Whereas there seems to be a great Probability from the continued ill Treatment which Our Ancestors & We of the Baptist Persuasion now Surviving have undergone in this Province and the same ill Spirit being at this Day in many Towns too Predominant, That Our just Complaints thereupon (unless fully redressed here) must of course be sent home; For these reasons therefore We humbly pray of Your Excellency & this Hon^ble Court that Your Memorialists may not be looked upon in a Culpable Light, When We Complain and Remonstrate with all just freedom & Openess of mind becoming Free Men, good Protestants & Loyal Subjects of His Majesty against the said Act passed by the said Lieu^t Governour Council and House of Representatives, as being contrary to the Liberty of Conscience to Us granted by the Royal Charter as aforesaid, and Repugnant to the Laws of England, and which hath as far as therein Lay Disfranchised Unchurched & Usurped an Illegal Power over all the Religious Societys of the People in the said Act called Anabaptists throughout this His Majesty's Province of the Massachusetts Bay & moreover Subjected each & every Anabaptist Church in the Province in a very unreasonable & unheard of manner to a New Sort of a Spiritual Court consisting at least of Three other Anabaptist Churches, as the Act calls them, to give each of them a Certificate respectively, & for what, why truly that an Anabaptist Church is truly an Anabaptist Church so that indeed it is necessary by this Act that Four Anabaptist Churches must be Co-operating together in this jumbled decision, for not less than three in number can be sufficient in the Eye of this Act to Certify for One other which makes the Fourth, But may it please Your Excellency & Honours where is it possible for the poor Anabaptists to find in this or the Neighbouring Provinces, or indeed in all the World the First three Authenticated Anabaptist Ministers & Churches to Certify & Authenticate the first Three—Over & above the obvious Absurdities in this Unreasonable Act the Severity thereof is remarkable in Exposing of Our said brethren to the Loss of so much time & the considerable Charge & Expence which necessarily must arise in Journeyings to and fro in this Province & the Neighbouring Provinces in pursuit of such Chimerical Certificates utterly impossible to be Obtained—Always heretofore, until such time that this Famous Act was made the People commonly called Anabaptists in all places where they reside, as well in this Province as every where else, were looked upon to be such by Professing themselves to be of that Persuasion & by their Usually & frequently Attending the Worship of GOD with the People of that denomination when Opportunity so presented, As also by their distinguishing Charracteristick of Immersing or Dipping the Person Baptised in Water—And the Assessors in every Town where such Anabaptist or Anabaptists dwells were expressly Ordered as aforesaid to take a List of all such Persons that they might be Exempted accordingly (without their being drove about, either in the Province, or Out of it, to hunt for Certificates) and of the repeated Omissions of the Assessors in doing their duty herein as the Acts directed We have as herein before Observed, often Complained, but to no Effect—For which reasons (& many others which might be Offered) the said People called Anabaptists ought not to be exposed as abovesaid to such Unreasonable Difficulties, Costs, Loss of Time & Damages which this violent Act subjects them to, And what still adds an Aggrevation hereto is the further Contemplation That His Honour the Lieu^t Governour, the Council & the House of Representatives that made this Act, Were almost all if not every One of them Dissenters themselves from the Church of England as well as the poor Anabaptists against whom this Act so sorely Militates, & which hath Effectually, tho' Covertly, Revoked Repealed & made void the Ten Years revival Of the Act made for Our relief and Exemption as aforesaid, And in Lieu thereof set up an Inquisition in this Province among His Majesty's Protestant Subjects called Anabaptists, which Our said Constituents & Your Memorialists are fully determined at all events never to Submit to, It is well known that His Majesty justly expecteth, As the Charter plainly points out & expressly declareth, That all his loving Subjects of every denomination of Protestants in this Province shall have Liberty of Conscience & be Religiously Peaceably & Civilly Governed Protected and Defended that so the Indian Natives may be won to the Christian Faith, But is this indeed Liberty of Conscience for One great Party of Protestant Dissenters of this Province commonly called Congregationalists, Violently to lay hold of a much less & more feeble Party of their fellow Dissenters in this Province commonly called Anabaptists standing upon an equal level in the Royal Act of Indulgence with the other Protestant Dissenters And forceably to Compel the said Anabaptists to pay Ministerial Rates & Taxes against their Consciences to Dissenting Ministers of quite another Denomi-

nation & on whose Ecclesiastical Administrations Our said brethren do not Attend & for such their just & reasonable refusal to pay such Ministerial Rates to be harrassed Impoverished Imprisoned & their Estates Crumbled & distrained away from them as very lately & notoriously has been the distressed Case of several of Our brethren in the County of Worcester (more especially in the Towns of Upton & Sturbridge to a surprizing degree) and are such proceedings as these the blessed Effects of being Religiously Peaceably & Civilly Governed Protected & Defended, and can a sight of such Avaritious transactions be the likely means to Win over the Indian Natives to the Christian Religion—Even Boston Goal it seems unhappily begins anew to be the Receptacle for such of the Countrey Baptists in the County of Suffolk that refuse to pay Ministerial Rates, An Ancient Man named Eleazer Adams a Substantial Freeholder of Medway & a Constant Attender for several Years past on the Baptist Meeting at Bellingham was brought away from his own House Twenty Seven Miles distance & Committed Close Prisoner in said Goal the 10th of April last, And not long before another Man named Jesse Holbrook of Bellingham a Constant Worshipper with the said Baptists was Committed to Boston Goal for the Ministers Rate of Wrentham, all Bail being refused.—Your Memorialists, May it please Your Excellency & this Honble Court, are Ordered by their said Brethren & Constituents in a serious manner to Remonstrate against this last mentioned Act of the Lieut Governour Council & House of Representatives as a Manifest Infringment upon the Natural & Religious Rights of the said People therein called Anabaptists and further to Remonstrate & Complain against all and every other Act and Acts whatsoever heretofore made in this His Majesty's Province of the Massachusetts Bay Wherein the said People called Anabaptists were Enforced or in any other shape Compelled to pay such Ministerial Rates as aforesaid Inasmuch as all such Payments are contrary to their Consciences & that all such Acts Laws & Ordinances to Force & Compel them thereto are contrary to the Liberty of Conscience to them so freely held forth in the Royal Charter & unto them Given & Granted as extensively & upon as good a footing without reserve as to any other all or either of His Majesty's Protestant Subjects of this Province whomsoever, And that therefore the said People commonly called Anabaptists in this Province are & ought to be by the said Royal Charter in all points of a Religious Nature equally as Independent & free from all Spiritual Subordination & Ghostly Subjection to any other Denomination or Denominations of Protestant Dissenters of this Province, As They or either of the said Denominations are & ought to be free & Independent in Religious matters from the People called Anabaptists, From hence your Remonstrants, with all just deference, apprehend it of course followeth, That however large or more Numerous One Denomination of Protestant Dissenters in this Province may increase in People & thereby become above another Denomination, even to be so Numerous as to gain such an Ascendant as to make up the whole Legislative Power in all its parts, Yet nevertheless such Denomination as last mentioned, derive not therefrom any Authority whereby to make any Act or Acts whatsoever to Oppress Afflict or unjustly Subordinate the less or more feeble Denominations of His Majesty's Protestant Subjects of this Province in matters of Religion & Conscience, And were it indeed the Case that such an Act or Acts as last mentioned may have heretofore been made in this Province, & Sent Home for the Royal Approbation & not Disapprobated in Three Years it Avails not the least in this Case nor is any strength force or Efficacy whatsoever thereby added to such an Act or Acts, They being contrary to the Charter as aforesaid & Repugnant to the Laws of England. And in point of Law (as Your Memorialists are informed) Such Repugnant Act or Acts never had nor can have any Existence unless the Charter were Vacated—We humbly crave Your Excellency's Clemency & this Honble Courts favourable goodness, for extending this Our Memorial & Remonstrance to such an Unusual Length made so by the long continued Oppressions productive thereof, further humbly praying that the said Act passed by the Lieut Governour Council & House of Representatives may be Repealed, And that an Act may be made & passed Totally & forever to Exempt the said People commonly called Anabaptists & every of them within this His Majesty's Province of the Massachusetts Bay from paying any Ministerial Rates Taxes or Assessments whatsoever, And that such Person or Persons professing himself or themselves to be of that Persuasion commonly called Anabaptists may be so deemed accordingly without further Harrasment or Vexation, And that all such Persons within this Province commonly called Anabaptists that have at any time within the Space of Five Years last past had their Bodies Imprisoned for Ministerial Rates, or their Estates, Goods & Chattels distrained therefor, may be honestly refunded their just Damages Such an Act as this will Manifestly display the Disposition of the Government of this Province to be Honourable Upright & Impartial, will Silence the Crys of the Oppressed, will put a stop to such Grievances as in default thereof will necessarily be laid before His Majesty, Will be a further means of increasing the Strength of this Province by bringing in Inhabitants from Abroad and keeping others already here from Moving out, and will with all becoming thankfulness be received by the said People commonly called Anabaptists, among which Number are included Your Memorialists & Remonstrants as aforesaid Who as in Duty bound will ever pray &cr.—

THOMAS GREEN
THOS BOUCHER
EBENR MOULTON
EPHRAIM BOSWORTH
JOSEPH COLLINS
PHILIP FREEMAN
JOSEPH GOULD
THOMAS CHENEY
JOHN PROCTER."

Boston May. 29th 1754.

In Council June 5. 1754 Read & Forasmuch as this Petition contains several indecent reflections on the Laws and Legislature of this Province therefore Ordered that it be dismissed. Sent down for Concurrence.

THOS CLARKE Dpty Secry

In the House of Representatives Nov 15. 1754
Read & Concurred

T. HUBBARD Spkr.

—*Mass. Archives, vol.* 13, *p.* 496.

"To His Excellency William Shirley, Esqr, Captn General & Governr in Chief, in & over His Majestys Province of the Massachusts Bay in N Engld & to ye Honble his Majestys Council And the Honourable house of representatives in General Court Assembled at Boston the 23d day of Octobr A.D. 1754—

The Memorial & Petition of John Procter, Agent, in behalf of several Societys of the People called Baptists, Inhabitants within the said Province—

Humbly Sheweth

That on the 29th day of May Last A Memorial & remonstrance, drawn by Order of the said People, & Signed by a Committee appointed for that Purpose, was humbly presented, in order to be laid before Your Excellency, the Council & house of Representatives, but, so indeed it eventually Occurred, that the sd Memorial was not sent down to the Honble House of Representatives, but was read & Passed upon in Council, as followeth—

Vizt, 'Province of the Massachusetts Bay, On the Petition of Thomas Green Thomas Boucher, Ebenezer Moulton, Ephraim Bosworth, Joseph Collins, Philip Freeman, Joseph Gould, Thomas Cheney, & John Procter.—

In Council June 5th 1754 Read and Forasmuch as this Petition contains several indecent reflections on the Laws & Legislature of this Province therefore Ordered that it be dismissed'—

The sentiments of the Honble Council & their result consequent thereupon, have given rise to this present Exposition of the true Intentions of the said People called Baptists, as contained in their Memorial and remonstrance abovesd—And Your Petitir, in his said Capacity, is directed by his Constituents, with the greatest deference, humbly to Suggest and Assure Your Excellency & Honours, that nothing in the World could be more Averse & forreign, to the Real Intention of the said People, & their Committee, than to Offer the least Indignity or indecent reflections on the just Laws & Legislature of this Province, And that in truth, there was no perversness of Heart, nor malevolence of Will, operating in any wise whatsoever against the Government, Your Memorialist therefore humbly Supplicates that the Former sentiments of the Honble Council, to dismiss the said Petition may Subside, And that Your Excellency & this Honourable Court would be pleased, that the Memorial & remonstrance aforesaid may be revived, and the Subject matter therein complained of, committed to the Mature Consideration of the whole Court, for the reasons therein mentioned—

And Your Petitioner as in duty bound
will ever pray &cr

JOHN PROCTER.

In Council; Octobr 26. 1754 Read & dismissd.
Sent down for Concurrence
J. WILLARD Secry
In the House of Representatives November 13 1754—
Read & Concurred—

T. HUBBARD Spkr"—*Ibid., p.* 584.

Chap. 22. "March 23. 1758. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses vizt

Gentlemen of the Council and House of Representatives.

I perceive that an Opinion prevails abroad, and perhaps it is too well grounded; that in some former Expeditions Sums of money have been given to some of the Colonels for their Recommendations to Commissions in their Regiments. I have an Abhorrence of such practices, & unless some care is taken to prevent them for the future I am afraid of very bad consequences. The only Rule of my Conduct in appointing Officers is the Fitness of Men for the Service and for their Characters I must depend on other People, as I have not a personal Knowledge of a sufficient number. But if these Characters can be purchased with money what a Situation are we in, I recommend this Affair to your speedy & serious Consideration.

Council Chamber March 23, 1758. T. POWNALL."—*Council Records, vol. XXII., p.* 292.

In the House of Representatives. Ordered That Colo Hale; Mr Tyng and Mr Flucker with such as the honourable Board shall join be a Committee to take his Excellency's Message of this Forenoon under consideration, and prepare and bring in a Bill for prevention of Corruption accordingly In Council. Read and Concurred and Benja Lynde and William Brattle Esqrs are joined in the Affair."—*Ibid., p.* 293.

"March 24, 1758. In the House of Representatives. Ordered That the Committee appointed to prepare and bring in a Bill in consequence of his Excellency's Message of Yesterday, prepare also the Draft of a proper Answer to his Excellency's said Message and report. In Council. Read and Concurred.

* * * * * *

The Committee appointed to prepare the draft of an Answer to his Excellency's Message of Yesterday to both Houses reported the same, which is as follows. vizt

May it please your Excellency His Majestys Council and the House of Representatives beg leave to express their hearty and unfeigned Gratitude for that Zeal

shewn by your Excellency against Bribery and Corruption; For your declared Abhorrence of them, and your earnest desires that care may be taken to prevent Enormities of that kind, and they do assure your Excellency they are desirous to join in their Endeavours with You, that as much as may be, Crimes so reproachful to any People may not be found among Us, or that the Perpetrators of them may be brought to condign Punishment: and have accordingly prepared a Bill for those purposes, which we doubt not will meet with your Excellency's Approbation. In Council. Read and Accepted And Ordered That Sir William Pepperrell and Jacob Wendell Esq^rs with such as the honourable House, shall appoint be a Committee to present the same to his Excellency accordingly.

In the House of Representatives. Read and Concurred and Col^o Hale, Judge Russell and Col^o White are joined in the Affair."—*Ibid., p.* 297.

"As I was sensible of the Male Practices which have been supposed to take place at these times of giving out Commissions I sent the inclosed Message to the Assembly, received from them the inclosed Answer and have the pleasure to transmit the Act they immediately pass'd thereon."—*Gov. Pownall to the Board of Trade, March* [2] 6,* 1758: "*Mass. Bay, B. T.,*" *vol.* 76, *I. i.*, 49, *in Public-Record Office.*

Chap. 24. "Boston, March 15th, 1758.

My Lords

* * * * * *

A Bill pass'd both Houses yesterday to lay a general Embargo which I have enacted into a Law N^o 4 and this day sent off a second circular acquainting the several Governors therewith, as also to General Abercrombie desiring him strongly to recommend it to them. * * * T. POWNALL."—*Extract from a letter to the Lords of Trade accompanying a printed copy of this act:* "*Mass. Bay, B. T.,*" *vol.* 76, *I. i.*, 43, *in Public-Record Office.*

"Mar. 15, 1758. Advised that his Excellency grant Permission for the Departure of such Vessels as he shall think proper to employ for Transporting to any other of the British Colonies on the Continent, Provisions or Stores needful for his Majesty's Troops or for carrying on the Operations of the ensuing Campaign—

Advised that his Excellency grant a Permit to Capt. Edward Colliteau to Transport Provisions to Halifax in the Schooner Young Eagle whereof he is Master for the Use of his Majesty's Troops and for the Inhabitants there."—*Executive Records of the Council, vol.* 3, *p.* 347.

"Mar. 17, 1758. Advised & Consented that his Excellency give a Permit to the Sloop Adventure Benj^a Chadwell Master to proceed to Albany with Carpenters & Stores for his Majesty's Forces under General Abercromby.

Advised & Consented that his Excellency give a Permit to the Sloop Wilmot Calvin Gay Master, to proceed to Chignecto with Recruits for Fort Cumberland—

Advised & Consented that his Excellency give a Permit to the Schooner Peggy John Thomson Master to proceed to Halifax with Cordage for the Navy, he making Oath that the Facts set forth in the Petition are true—

Advised & Consented that his Excellency give a Permit to the Brigantine Duke William Fleet Master to proceed to Jamaica; Oath being made that the Facts are true as set forth in the Petition—

Advised & Consented that his Excellency give a Permit to the Ship Prince George Benoni Smith Master to proceed to the West Indies, Oath being made that the Facts set forth in the Petition are true."—*Ibid., p.* 352.

"Mar. 18, 1758. Advised & Consented that his Excellency give a Permit to the Schooner Elizabeth John Frost Master to proceed to Portsmouth with Provisions Tools and Stores for the Company of Carpenters enlisted by Col^o Messervey for his Majesty's Service by Order of his Excellency the Earl of Loudoun—

Advised & Consented that his Excellency give a Permit to the Sloop Cumberland John Dogget Master, and to the Sloop Jonathan Sayward Master to proceed to Chignecto with Artificers and Materials for his Majesty's Service at Fort Cumberland."—*Ibid., p.* 353.

"Mar. 20, 1758. Advised & Consented that his Excellency give a Permit to the Schooner Rebecca, Lemuel Ames Master to proceed to Madeira being Loaded, fallen down, Men shipt &c. before the Embargo—

Advised & Consented that his Excellency give a Permit to the Ship William, Andrew Dewer Master to proceed to Lisbon, being Loaded, fallen down, Men shipt &c. before the Embargo.

Advised & Consented that his Excellency give a Permit to the Schooner Fair Lady, Robert Elwell Master to proceed to the West Indies.

Advised & Consented that his Excellency give a Permit to the Brigantine Charming Molly, John Peirson Master, to proceed to the West Indies—

Advised & Consented that his Excellency give a Permit to the Snow Union Thomas Thompson Master, to proceed to the West Indies.

Advised & Consented that his Excellency give a Permit to the Schooner Lydilind Nicholas Thorndike Master to proceed on her Fishing Voyage—

Advised & Consented that his Excellency give a Permit to the Schooner Mary, Stephen Osborne Master to proceed on her Fishing Voyage."—*Ibid., p.* 354.

"Mar. 20, 1758. His Excellency represented to the Board that some Inconveniences may arise from the frequent Applications made for permitting Vessells to depart on their intended Voyages, whereby the intended Advantage of the present Embargo, may be frustrated; He thereupon desired their Opinion for some general rule for regulating the same—

The Board taking the same under Consideration were of Opinion that any Vessel

* This letter is dated March 6, but it should have been, evidently, either March 26th, or April 6th.

being two thirds Laden before the Embargo took place; the Cargo being of a Perishable Nature, and due proof thereof being made on Oath in Council or before the Secretary of the Province, that in such Case his Excellency grant a Permit for their Departure."—*Ibid., p.* 355.

"Mar. 21, 1758. Advised & Consented that his Excellency give a Permit to the Schooner Abigail, Neal Conway Master, Navigated with five Men to proceed on her intended Voyage to the West Indies being Loaded with a Cargo of a Perishable Nature—

Advised & Consented that his Excellency give a Permit to the Brigantine Lynn Richard Lee Master with Seven Men to proceed to the West Indies—

Advised & Consented that his Excellency give a Permit to the Schooner Sarah John White Master to proceed to the West Indies."—*Ibid.*

"Mar. 22, 1758. Advised & Consented that his Excellency give a Permit to the Snow Wellington James Hornby Master to proceed to Nevis, being Loaded fallen down and ready to Sail when the Embargo took place."—*Ibid., p.* 359.

"Mar. 27, 1758. Advised that his Excellency grant Permits to such Vessels as are bound to Halifax with Provisions or Stores for his Majesty's Service, upon the Master or Owners making Oath of the same.

Advised & Consented that his Excellency give a Permit to the Schooner Industry John Junkins Master to proceed to Halifax.

Advised & Consented that his Excellency give a Permit to the Brigantine Antelope Thomas Bazin Master to proceed to the West Indies."—*Ibid., p.* 364.

"Mar. 28, 1758. Advised & Consented that his Excellency give a Permit to the Sloop Butterfly John Clark Master to proceed to Rhode Island, being employed in the service of that Government—

Advised & Consented that his Excellency give a Permit to the Schooner Endeavour William Grow Master to proceed to Halifax with Stores for his Majesty's Service."—*Ibid., p.* 365.

"Mar. 28, 1758. His Excellency the Governour having laid before the Council a Letter from General Abercrombie of the 22d instant, desiring 'that the Governour would take the proper measures that all such Provisions as the Army under his Command may want should be impressed,secured and delivered to the Contractors or their Agents, they paying a reasonable price for the same—And that the Governour would appoint proper Persons to settle and fix an equal price between the Owners & Contractors'—Upon which his Excellency desired the Advice of Council.

The Council having maturely Considered the Proposal beg leave briefly to represent the plain state of the Case, that the reasons may appear upon which they found their Advice—

It is notorious that this Province doth not raise Provisions enough of some kinds for the Consumption of its Inhabitants, and for the Victualling their Merchant Vessels and Fishermen. The Pork raised within the Government is insufficient for both these purposes; and the Grain by no means sufficient for the Use of the Inhabitants only; As for Wheat there is none at all raised for a Market, even the most Substantial Farmers themselves buy more of it for their own Consumption in the trading Towns where it is imported, than they raise on their Farms. It is true We raise more Beef than We consume, and quantities have been Salted up for the West Indies before the Settlement of Nova Scotia, since that Settlement, and more especially since the Commencement of the War, the greater part of the Surplusage of Our Beef, together with the Surplusage of Our Mutton &c. is sent thither alive, or fresh killed, for the Supply of the Kings Ships & Troops, and for the Use of the Inhabitants of that infant Settlement; At this time We import more Salt Beef from the Southern Colonies than We export to the West Indies. Under these Circumstances an Embargo on the Shipping of this Province is all that appears to be requisite. An Embargo is laid and no Provisions can be exported without permission from the Governour with Advice of Council No permissions are granted to export Provisions except it be to Nova Scotia; By this means if there be any Surplus of Provisions, after Our wants, and the wants of Nova Scotia are supplied, the Owners will be glad to let the Contractors have it; But it must be not only very distressing to the Inhabitants of this Province but of great prejudice to his Majesty's service at Nova Scotia to impress the Provisions that may be in the Province, and can be of no service but to the Contractor. The Distress will be heightned if an Embargo and Impress should take place in the Southern Governments so as to prevent our receiving the usual Supplies of Provisions from thence; An Embargo and Impress of Provisions in a Countrey that raises them will keep them within that Countrey; And an Embargo and Impress of Provisions in a Countrey that is supported by importing them, must keep them out of it—and in such a concurrence of Circumstances it would be impossible to say what would be a reasonable price here; for such a Scarcity would probably ensue as would make any Price how high soever, not unreasonable. No extravagant Price has as yet been demanded that we know of, and it does not appear that the Contractor is apprehensive of wanting Provisions, as his Agent has declared to the Governour in Council that he has received no Orders from him to purchase any extraordinary Quantity since the Accounts have Arrived of an Additional Number of Troops coming to America and that his Principal has large Magazines of Provisions at the Southward out of which he saith he expects he will Supply him—Under these Circumstances such a distressing measure as an Impress would be, appears needless. But it rather appears that the Generals Letter is a circular Letter, primarily Calculated for the Governments Southward of New York & for Connecticut, which are Provision Colonies, for He adds in the close of his Letter 'That the Embargo on all Vessels within the Ports of your Government may possibly prevent them from coming to New York with Provisions for the Army'—Now it is well known that no Provisions are ever exported from this

Government to New York, Fish only excepted—which is a Species of Provisions not commonly made Use of for Victualling the Kings Troops.—

The Council cannot therefore Advise his Excellency to issue Warrants to impress any kinds of Provisions within this Province; but are of Opinion and accordingly Advise that his Excellency do represent to the Kings General that if the Embargo in the Southern Governments should extend to Vessels bound hither with Provisions it must bring great distress upon the Inhabitants of this Province and must be very prejudicial to his Majesty's Service, by putting a stop to the supply of the Market at Halifax."—*Ibid.*

"Mar. 29, 1758. Advised & Consented that his Excellency give a Permit to the Snow Musketo Matthew Pennel Master, to proceed to the West Indies, She being Laden before the Embargo took place."—*Ibid., p.* 367.

"Apr. 1, 1758. Advised that his Excellency grant Permissions to all Vessells coming hither with Provisions from the Southern Colonies, to return to their respective Ports, the general Embargo notwithstanding."—*Ibid., p.* 369.

"Apr. 1, 1758. Advised & Consented that his Excellency give a Permit to the Sloop Speedwell, Nicholas Hussey Master to proceed to Halifax with Provisions for his Majesty's Navy—

Advised & Consented that his Excellency give a Permit to the Sloop Success, Jonathan Hall Master, to proceed to Connecticut having landed a Cargo of Provisions here—

Advised & Consented that his Excellency give a Permit to the Schooner Mayflower, Mark Haskell Master, to proceed to Halifax with Provisions for his Majesty's Forces."—*Ibid., p.* 370.

"Apr. 1, 1758. His Excellency having been pleased to Communicate to the Board the Petition of Epes Sargent, William Stevens and Thomas Sanders for themselves & the other Inhabitants of Glocester concerned in the Fishery, Praying that the Fishing Vessels may be Allowed to proceed on their Voyage the Embargo notwithstanding, and his Excellency having desired the Opinion & Advice of the Board upon the Subject matter of said Petition and that they would give the reasons upon which such Advice shall be founded. The Board accordingly proceeded to take said Petition into Consideration and they beg leave to Observe to your Excellency, That one great End which the Court had in view from an Embargo was the restraining in Port a sufficient Number of Vessels to serve as Transports for such part of the Forces as it should be judged proper to send to the Eastward, That it now appears that the Contractor for the Transports does not think proper to take into the service any Vessels of so small burthen as those employed in the Fishery and that therefore there is no Necessity of retaining such Vessels for that purpose.

That two other principal Ends proposed by the Embargo were the preventing any Supplies of Provisions falling into the Enemies hands and the preventing Intelligence of the Measures proposed.

That inasmuch as the other Governments have not restrained their Vessels in general from Sailing it will be of no great Importance to either of the two last mentioned purposes for this Government alone to continue this restraint, especially as it is to be hoped his Majesty's Ships are now Cruizing off Louisbourg and will be able to prevent any Supplies or Intelligence being carried thither

That the only Advantage that can be proposed by any further restraint is the keeping a Number of Men within the Province for the proposed Expedition.

That inasmuch as Money as well as Men is necessary for carrying on the War the disadvantage which will Arise from the entire loss of the Fishing Voyages may probably be more than equal to the Advantage of restraining the Men who must otherwise be employed in those Voyages and must moreover make the burden of Publick Charges fall very unequally upon this particular part of the Government.

Upon these Considerations the Board are humbly of Opinion and do accordingly Advise that your Excellency grant Permission to such Fishing Vessels to proceed on their Voyages as are now in Port and shall depart before the Sixth day of this Month of April, provided that no Vessel under Forty five Tuns carry more than four hands that are above Sixteen years of Age, and no Vessel above Fifty Tuns more than five hands above Sixteen years of Age, and all Persons to be deemed exempt from the Penalties of the Act, by force of this Permission no further than they Comply with the Conditions aforesaid."—*Ibid.*

"Apr. 8, 1758. Advised that his Excellency permit all such Vessels employed in the Cod Fishery as are now in Port to pursue their Voyages, provided they depart with the first fair Wind; provided also that no Vessel under Forty five Tuns carry more than four hands that are above Sixteen years of Age and that no Vessel of Fifty Tuns carry more than five hands above the Age aforesaid, But that no Person be deemed exempt from the Penalties of the Act laying an Embargo on the Shipping of this Province any further than they Comply with the Conditions aforesaid.

Inasmuch as the Inhabitants of Nantucket most of whom are Quakers are by Law exempted from Impresses for Military Services & their livelihood intirely depends upon the Whale Fishery

Advised that his Excellency give Permission for all Whaling Vessels belonging to said Island to pursue their Voyages taking only the Inhabitants of said Island in said Vessels & that upon their taking any other Persons whatsoever with them, they be Subject to all the Penalties of the Law in like manner as if they had proceeded without leave."—*Ibid., p.* 373.

"Apr. 10, 1758. Advised that his Excellency give Permission for all Sloops and Schooners going to Nova Scotia with Provisions to pursue their Voyages provided that no Vessel under Sixty Tuns carry more than five Men; and no other Sloops or Schooners more than Six Men provided also that Bond be given that such Vessels

shall return directly back to the Province, and upon their return to produce a Certificate of having landed their Cargos in Nova Scotia, said Bond to be in all other respects conformable to the Provision made by the late Act of Parliament, to prevent the Enemies being supplied with Provisions."—*Ibid.*, *p.* 376.

"Apr. 15, 1758. Advised & Consented that his Excellency give a Permit to the Sloop Susanna, John McClelan Master to proceed to New York for Bread for the Use of his Majesty's Navy at Halifax."—*Ibid.*, *p.* 380.

"Apr. 19, 1758. Advised & Consented that his Excellency give a Permit to the Schooner Prince George, Moses Hooper Master to proceed on her Fishing Voyage, She being rifled of her Stores by a French Privateer & obliged to return to refit."—*Ibid.*, *p.* 383.

"Apr. 21, 1758. Advised & Consented that his Excellency give a Permit to the Schooner Swan William Choate Master to proceed on her fishing Voyage."—*Ibid.*, *p.* 386.

"Apr. 24, 1758. Advised & Consented that his Excellency give a Permit to the Ship Falmouth John Gooding Master to proceed to the West Indies having Masts & Sparrs on board for his Majesty's Navy."—*Ibid.*, *p.* 387.

"Apr. 27, 1758. Advised & Consented that his Excellency give a Permit to the Schooner Endeavour William Grow Master to proceed to Providence to take in Stores for Nova Scotia."—*Ibid.*, *p.* 392.

"May 4, 1758. Advised & Consented that his Excellency give a Permit to the Schooner Broome William Batcheldor Master, to proceed to Lisbon her Cargo being of a Perishable Nature—

Advised & Consented that his Excellency give a Permit to the Schooner Three Friends, John Stacey Master to proceed to Gibraltar."—*Ibid.*, *p.* 397.

"May 9, 1758. Advised & Consented that his Excellency grant Permits to the following Vessels to proceed on their Voyages, upon the Owners making Oath that two thirds of their Cargoes were of a Perishable Nature, & Ship't before the Embargo took place—Viz^{t}

To the Ship Molineaux William Welchman Master to the West Indies

To the Schooner Seahorse, Silas Atkins Master, to Newfoundland.

To the Snow Thomas & Martha, Samuel Partridge Master, to the West Indies.

To the Schooner Endeavour, Ellis Compton Master, to Lisbon.—

To the Schooner Jolly Robin, Samuel Harlow Master, to South Carolina.

To the Brigantine Seahorse, John Dorrington Master, to Maryland."—*Ibid.*, *p.* 398.

"May 12, 1758. A Number of Petitions of Owners of Vessels employed in the Fishery were laid before the Board by order of his Excellency who desired their Advice thereon.—

Advised that his Excellency grant Permits to all Fishing Vessels Navigated with Men belonging to the Regiments under the Command of Sir William Pepperrell, Col^{o} Greenleaf, Col^{o} Appleton, Col^{o} Phillips, Col^{o} Bradford & Col^{o} Plaisted, who have already Compleated their several Quota's of Soldiers to be raised for the Expedition against Canada, to proceed on their Voyages the Embargo notwithstanding; And also to such Fishing Vessels as are Navigated by Men belonging to the Regiments of Col^{o} Fowle or Col^{o} Allen, where the Crew belonging to any such Vessel have furnished their Quota of Soldiers for said Expedition, to the Satisfaction of the Officers appointed to raise them; Provided the Owners of all such Vessels take a List of the Names of the Persons Navigating such Vessels and lodge the same with the Colonels of the respective Regiments to which such Persons belong; And that no other Persons be permitted to proceed in any Fishing Voyage, or to depart from the Province in any such Vessel, who was liable to serve in said Expedition; And in Case of default in any of the foregoing particulars that the Owner & Master of such Vessel be Subjected to the Penalty of the late Act for laying an Embargo, as if no such Permit had been granted—

Also Advised that the same Priviledge be allowed to any Vessels Navigated by Persons belonging to either of the Regiments under the Command of Col^{o} Winslow, Col^{o} Otis, Col^{o} Clap or Col^{o} Cushing (and on the same terms) so soon as the Quota of Men to be raised out of those Regiments respectively shall have been Compleated."—*Ibid*, *p.* 399.

"May 15, 1758. A Number of Petitions of Merchants and others praying that their Shipping may have liberty to depart for the reasons therein set forth, were laid before the Board by order of his Excellency, who thereupon desired their Advice—

Advised that his Excellency permit all Vessels to proceed on their Voyages upon the Master and Owners or their Agents giving Bond in the Secretarys Office, not to carry with them any of the Soldiers raised for his Majestys Service, and lodging there a list of the Names of all Seamen or Passengers going in their respective Vessels."—*Ibid.*, *p.* 401.

"May 26, 1758. His Excellency desired the Opinion of the Board, that inasmuch as the Fleet was Arrived and most of Our Troops on the March Whether it be necessary any longer to continue the Embargo.

Advised that his Excellency take off the Embargo and Permit the Shipping in the several Ports within the Province to proceed on their intended Voyages."—*Ibid.*, *p.* 403.

Chap. 25. "General Abercromby apply'd to me for Quarters for the Troops which are to be march'd to Boston to embark. I applyed to the Assembly to make provision, sending them the enclosed Message—I used this form of message as I apprehend that Quarters cannot be demanded as a right, But on the contrary that when and where they become necessary, the legislature makes provision for them by a temporary suspension of those Rights which are declared in the Bill of Rights —This method of application has had its effect and I have the pleasure to inclose

the Act which they immediately pass'd thereon."—*Gov. Pownall to the Board of Trade, March* [2]6,* 1758: "*Mass. Bay, B. T.,*" *vol.* 76, *I. i.*, 49, *in Public-Record Office.*

"March 24, 1758. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses. viz[t]

Gentlemen of the Council & House of Representatives.

I have this day received an Account from his Majesty's General, that the Service requires, He should march a Body of his Majesty's Troops thro' this Province, and that they may soon be expected herein.

It will be necessary that they be admitted to such Quarters as the nature and circumstances of the Country will admit of. On the one hand it being necessary that the Troops be quartered; on the other the Act of quartering them being a Suspension of the Bill of Rights; I am sensible of the difficulties that must attend your deliberations. Under these difficulties, I recommend to You the Rule which the Mother Country observes on such occasions; and that while You follow her Example in a most consciencious Attachment to the Civil Rights; You also follow her Example in making such Provision in this Case, as becomes necessary for the Service, considering the different form and circumstances under which this Country lies.

T. POWNALL.

In the House of Representatives Ordered That M[r] Foster Col[o] White and Judge Russell with such as the honourable Board shall join be a Committee to take his Excellency's Message to both Houses of this Afternoon into consideration & report what they judge proper to be done thereon. In Council Read and Concurred, and M[r] Hutchinson & Col[o] Brattle are joined in the Affair."—*Council Records, vol. XXII., p.* 299.

"Sept. 8, 1758. His Excellency laid before the Council a Petition of the Selectmen of the Town of Boston setting forth that a number of his Majesty's Regular Forces were daily expected to arrive in the Town of Boston from Louisbourg, that they apprehend on their Arrival they will apply for suitable Quarters; That the Law providing for the Reception and Accommodation of his Majesty's Forces within this Province being expired they have no Authority to provide Quarters for them; Therefore praying Directions herein: His Excellency desired the Advice of the Board on this matter who taking the same into Consideration; Thereupon—

Advised his Excellency to issue his Proclamation recommending it to all Persons to Submit and conform to the several regulations in the said mentioned Act, until the next Sitting of the General Court, the draft of which Proclamation being prepared was read—

And further Advised that his Excellency issue the same accordingly."—*Executive Records of the Council, vol.* 3, *p.* 425.

"By his Excellency Thomas Pownall Esq[r] Captain General and Governor in Cheif in and Over his Majesty's Province of the Massachusetts Bay in New England; Vice Admiral of the same &[c]

A Proclamation.

Whereas the Standing Law of the Province relative to the Quartering and Billeting Souldiers within this Province does not extend to the Cases that may arise and have arisen of Marching the Kings Regular Troops into and through the Province and Whereas Laws have been enacted to provide for those Cases, 'Namely An Act making provision for the Quartering and Billeting recruiting Officers & Recruits in his Majesty's Regular Forces employed for the Protection and Defence of his Majesty's Dominions in North America.' And 'An Act providing for the Reception and Accomodation of his Majesty's Forces within this Province' And Whereas the later Act Which was extended only to the Term of three months which Act by reason of their being no Expectation at the last Sessions of Troops coming into the Province before the General Court mett again was not continued; But as now it is expected that some Regiments of his Majestys Regular Forces will be marched into and through this Province in their way to Albany. And Whereas Application has been made to me in behalf of the Inhabitants of the Town of Boston for directions herein.

I do therefore by and with Advice of his Majesty's Council Issue this Proclamation Recommending it to the Inhabitants of said Town of Boston, and to all other his Majestys good Subjects within the Province to submit and conform to the several Regulations in said last mentioned Act, when and so often as it shall be found necessary for Troops to be marched through and to be Quartered in any Towns within this Province until the next sitting of the General Court.

Given at Boston the eigth day of Sept[r] 1758 In the thirty second Year of the Reign of Our Sovereign Lord George the second by the Grace of God of Great Britain, France & Ireland King Defender of the Faith &[c]

T. POWNALL

By his Excellency's Command.
A. OLIVER Secrty

God Save the King."

—*Records of Civil Commissions, vol.* 2½, *p.* 44.

"Sept. 11, 1758. His Excellency laid before the Board a Form of a Warrant for Impressing Carts and Oxen or Horses for the Use of his Majesty's Troops Commanded by his Excellency Major General Amherst on their March from Boston to join his Majesty's other Forces under the Command of his Excellency Major General Abercromby for which Service Major Robertson Assistant Deputy Quarter Master General has agreed to pay twelve pence per Mile; and desired the Advice of the Board

* In the MS. copies from the Public-Record Office this date is repeatedly given as March 6; but as the message referred to was delivered March 23, and the act was passed March 25, it is conjectured that either March 26 or April 6 was the date intended.

Advised that his Excellency issue his Impress Warrants for the said Service directed to the Sheriffs of the Counties of Suffolk, Middlesex, Worcester and Hampshire accordingly."—*Executive Records of the Council, vol. 3, p.* 425.

"Sept. 21, 1758. His Excellency having informed the Council that three hundred Soldiers were hourly expected from Halifax in order to join the Troops commanded by General Amherst, now on their March to join the Army under the Command of his Excellency Major General Abercromby, and proposed the taking up Horses in order to forward them with the greatest Expedition.

Advised that his Excellency give the proper Orders for taking up or impressing a sufficient number of Horses to carry said Men to Springfield or if need be to Albany and after said Service is performed to return said Horses to their respective Owners under the care of some suitable Persons to be appointed for that purpose, and that reasonable Prices be allowed therefor, the Board relying upon the Charge being reimbursed by the General or by the Crown."—*Ibid., p.* 426.

See, also, 1758-59, Chap. 8, *post.*

Chap. 28. "March 10, 1758. A Memorial of John Jeffries and Samuel Danforth Esq^rs^ two of the Commissioners appointed to adjust and settle the Affairs of the Land Bank or Manufactory Scheme. Setting forth the many difficulties and Embarrassments, which have hitherto prevented their putting a Period to this Unhappy Affair, and which are still like to frustrate the design without the further Interposition of this Court. And praying that the matter may be taken into consideration; and they impowered to set up and carry on a Lottery which they propose as the most likely method for the speedy & effectual Redemption of the Bills still outstanding.

In the House of Representatives. Read and Ordered That Judge Russell, Col^o^ Ruggles and Col^o^ White with Such as the honourable Board shall join be a Committee to take this Memorial under consideration, and project some proper method for putting an end to the Land Bank or Manufactory Scheme and report. In Council. Read and Concurred and Benjamin Lynde, John Cushing, and William Brattle Esq^rs^ are joined in the Affair."—*Council Records, vol. XXII., p.* 260.

"March 18, 1758. The Committee appointed the 10 Inst on the Memorial of John Jeffries and Samuel Danforth Esq^rs^ made the following Report.

Signed John Cushing pr Order

The Committee are of opinion that before any other measures than those which the Commissioners are now taking, be gone into, whether by Assessment or otherwise for redeeming the Manufactory Bills (so called) which are still outstanding, it will be expedient, if not necessary that a more full knowledge be had of the Sum of those Bills which yet remains to be redeemed; And in Order thereto that the Possessors of those Bills be obliged to produce or bring them to the said Commissioners within some certain time to be limited for that purpose, to be again returned to the Owners or Possessors after an Account of them has been taken by the Commissioners and some distinguishing Mark set upon them, by which they may be hereafter known And that every Person who after the expiration of such term shall tender or offer to be exchanged any Manufactory Bills other than such as shall be so produced within such limited time be subjected to such Penalty as the Wisdom of this Court shall assign; and that a Bill be prepared accordingly. And as touching the Lottery mentioned, and proposed in said Memorial, the Committee are of opinion, that in the present situation of the Public Affairs, the granting the same at this time may be attended with Inconvenience. In Council. Read and accepted.

In the House of Representatives. Read and Concurred and Ordered That the Committee appointed on said Memorial prepare and bring in a Bill for the purposes mentioned, and that Col^o^ Worthington be of the Committee in the room of Col^o^ White who is absent. In Council. Read and Concurred."—*Ibid., p.* 275.

Chap. 30. The unsuccessful movements of Abercrombie and Loudoun, in command of forces greatly superior in numbers to those previously employed by the provincial authorities, awakened the home government to a more just conception of the magnitude of the efforts which the colonies had been making to prevent the encroachments of the French upon a line of territory extending from Cape Breton to the Ohio; and the activity of the French government in supporting its forces in America impressed the ministry with the importance of holding and enlarging the British possessions on this continent.

From May 17, 1756, when war was declared against France, hostilities began to be conducted on a larger scale; but it was not until after a change of ministry that the plan of operations was fully adopted which led to a successful issue under Gen. Amherst. In the mean time, the colonists were disheartened by the injudicious and vacillating management of the British officers who were entrusted with the direction of military affairs before Amherst took command, as well as by their arrogant assumption of authority in the decision of all disputable matters.

Notwithstanding these discouragements and the discomfiture of the army consequent upon a departure from the plan of operations which the provincial authorities had advised, the Legislature of Massachusetts had responded to every call made upon the province for men, money and accommodations of various kinds, with only such delay and objection as were necessary to prevent the establishment of precedents believed to be inimical to the liberties and privileges which they claimed under their charter and the common law.

The forts at Oswego had surrendered to the French in August 1756, and, a year later, Loudoun, having withdrawn his forces from New York to join Admiral Holbourn in an abortive demonstration against Louisbourg, left Fort William Henry

comparatively defenceless against the French forces that could be concentrated against it before his return, since the charge of supporting its brave but insufficient garrison was entrusted to Major Gen. Webb who proved timid and entirely incompetent. The French, improving this opportunity, compelled the surrender of the fort, by capitulation, August 9, 1757, causing a general apprehension throughout the province that the victors would, after investing or capturing Fort Edward, continue their advance into the province from the west, where it was least prepared to repel such an invasion. This alarm led to the calling out of the militia, and to measures for forming a train of artillery for immediate service—both attended with great expense, for which the Legislature was obliged to make provision.

In the earlier movements under Braddock and Loudoun the colonies not only bore all the expenses of the forces raised by them, but likewise supplied the regular forces with provisions. The injustice of this twofold burden was so apparent that it was agreed under Loudoun that contractors should be appointed to supply the regular troops with provisions, and still later, assurances were given by Mr. Secretary Fox that stores and provisions of all kinds for the whole army employed in the campaign of 1756 should be provided at the sole expense of the crown. Early in 1757 (see vol. III., p. 1081, note,) Mr. Pitt, who was virtually premier in the short administration of the Duke of Devonshire, distinctly announced "that the raising of the men, their pay, arms and clothing" would be all that would be required of the several provinces.

The new administration under the lead of the Duke of Newcastle and Mr. Pitt, which was formed in June 1757, adopted a still more liberal policy towards the colonies. Mr. Pitt, in his letter which is hereinafter given in full, not only promised to furnish arms, ammunition, provisions, transportation and a train of artillery for 20,000 men to be raised in the colonies, but also that strong recommendations would be made to the next parliament to grant the necessary appropriation for reimbursing the expense of levying and paying the provincial forces and furnishing them with clothing,—the only burden to which the colonies were to be subjected. These liberal promises were coupled with the assurance that the most vigorous and extensive efforts should be made by the Crown to coöperate with the provincial forces in the reduction of Canada as the surest means of averting the dangers threatened by the French on the colonial frontiers, and that the provincial troops should be raised and commanded by officers of the respective provinces who, as high as colonels, inclusive, were to rank according to their commissions, which were to be issued by the provincial governors.

Nothing more satisfactory could have been proposed to Massachusetts, which promptly voted to raise its contingent of 7000 men, in addition to nearly 3000 already in the service.

The letter above mentioned was communicated to the House, who waited upon the Governor for that purpose in response to a special message. No record of this message or of the interview in the council chamber appears in the journals of the House, but, on the same day, this chapter was passed to be enacted and signed by the Governor.

"March 2, 1758. The Secretary went down to the House of Representatives with a Message from his Excellency the Governor acquainting them that his Excellency was then in the Chair, and that he directed the Attendance of the House in the Council Chamber.

Mr Speaker and the House being come up, his Excellency was pleased to make a Speech to the two Houses, & having delivered a Copy of it to the Speaker, He with the House returned to their own Chamber.

His Excellency's Speech is as follows.

Gentlemen of the Council & House of Representatives.

The Season is now advancing fast in which the Interests and perhaps the Being of these Colonies are to be contended for by Arms; The Events of these Operations are in the hands of Providence; The means are in our own hands; As therefore We in earnest value the Blessings of our Property & Religion enjoyed in Liberty, we must in earnest steddily & vigorously exert these Means.

While We English have been busied in Works of Peace and Industry, in settling and planting this Country; the Enemy the French have been as industriously employed in Works of War, in taking possession of it; It is not therefore enough that we have settled and planted this Country—We must possess it, or we shall be found to have settled and Planted it for the French.

His Majesty whose gracious Protection is, under Heaven, our best Security, is pleased to send over here to assist Us in this Work of Possessing our Country, a very great and Powerfull Body of Forces both by Sea and Land requiring only of Us, that we should aid and assist this Service with our Provincial Troops; Let us therefore in Gratitude and Obedience to his Majesty, in Gratitude and affection to our Mother Country, in duty to ourselves and the good People of the Land engage and cooperate in this Service, not grudgingly as though forced to it, but as in our own cause with all our Spirit and Abilities; not waiting to see what Others will do, and measuring our Service by Quotas, but by the importance of the Objects, and what we ought to do.

The Enemy by our unfortunate Situation is at our very Doors, at the Head of all our Waters, ready to come down upon Us. 'Tis therefore absolutely necessary that there be kept up a constant and vigilant defence upon our Frontiers; I can add nothing on that Subject to what I recommended to you last Sessions. When I shall know how his Majesty's Regular Troops are disposed of, I shall be able to judge what more particular measures may be necessary for Me to take within my own Command of this Province.

During the Recess of the General Court in obedience to his Majesty's Instructions,

I met his Excellency the Earl of Loudoun at Hertford on February the twenty-fourth; his Lordship was pleased to acquaint me what Aid of Soldiers he must require of this Province, and further which I cannot but hope will be a great encouragement to our People, to express his Intention of employing their Service to the Eastward; the particulars I shall direct the Secretary to lay before You.

* * * * * *

It seems that the Legislatures of the several Provinces and Colonies of this Northern Part of America wait to give Us the Lead, and Look to Us for an Example. Perhaps it were better as it would save delay if every Assembly had met at one time, and no one waited to make precedents of the other; However exhausted as this Province is, by always standing foremost in his Majesty's Service; We shall not, I trust, be the first to desert the honour of his Majesty's Arms, and the just cause of our Country; But that we shall still be an Example of Vigor and Dispatch.

T Pownall.

March 2, 1758. The Secretary then by order of the Governor laid before the two Houses the Earl of Loudouns Requisition of an Aid of Soldiers for his Majesty's Service as referr'd to in his Excellency's Speech.—Mr Agent Bollan's Letter of 1 October with the Papers accompanying the same were also read in both Houses." —*Council Records, vol. XXII., p.* 243.

"March 13, 1758. In the House of Representatives Voted unanimously That a suitable number of Men be raised by this Government to cooperate with his Majesty's Forces in an Attempt for the Reduction of Canada. In Council. Read and Concurred unanimously.

Consented to by the Governor."—*Ibid., p.* 263.

"March 13, 1758. In the House of Representatives. Voted that seven thousand Men, inclusive of Officers be raised on the Part of this Government by Inlistment for the intended Expedition against Canada to be formed into Regiments and Officered by such of the Inhabitants of this Province as his Excellency the Captain General shall be pleased to appoint; The said Men to be continued in the Service for a time not exceeding the first day of November next, and to be dismissed as much sooner as his Majesty's Service will admit. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 264.

"March 14, 1758. In the House of Representatives Ordered That Mr Prat, Colo Choate, Colo White, Colo Ruggles, Mr Tyng, Mr Paine, Mr Witt, and Mr Bradbury with such as the honourable Board shall join be a Committee to consider what is proper to be further done, in relation to the Expedition now under consideration of this Court, and report. In Council. Read and Concurred and Sr William Pepperrell, John Osborne, Jacob Wendell, John Cushing, Silvanus Bourn, Thomas Hutchinson and William Brattle Esqrs are joined in the Affair."—*Ibid., p.* 265.

"March 15, 1758. The Committee of both Houses appointed the 14 Instant to consider what is proper to be further done in relation to the Expedition now under consideration,—reported the following Message to the Governor.

May it please your Excellency.

It has been the Practice of this Government to allow Subsistence as well as Pay to their Forces from the time of their Inlistment, and the two Houses are of opinion that it will be a discouragement to the People if they should not on this occasion be allowed in the same manner. The Sum engaged last year by the General of his Majesty's Forces for Subsistance being only two shillings Sterling ℔ week proved insufficient; It is therefore the desire of both Houses that Your Excellency would be pleased to write to General Abercromby and to endeavour to procure for the Forces now proposed to be raised the same Sum for their daily Subsistance as is allowed by his Majesty to the Contractor for victualling the Army, the Allowance to commence at the same time with their Pay and to continue until they receive the Kings Provisions at the place of Rendezvous. This Point being made certain will tend to facilitate raising the Men.

The two Houses beg leave further to observe to your Excellency, that as many of the Inhabitants of this Province—especially those in the Eastern Parts of it are well acquainted with Louisbourgh, and there are many who served there when that place was formerly reduced, it seems therefore that it would tend to promote his Majesty's Service if some of the Regiments from this Province should be employed in that part of the Service of the present year, and your Excellency is likewise desired to propose this to the General of his Majesty's Forces accordingly. In Council. Read and Accepted. And Ordered That Benjamin Lynde Esq with Such as the honourable House shall join be a Committee to present the foregoing Message to his Excellency the Governor.

In the House of Representatives. Read and Concurred, and Judge Russell and Mr Flucker are joined in the Affair."—*Ibid., p.* 267.

"March 17, 1758. The Committee appointed by both Houses to consider what is proper to be further done in relation to the Expedition now under consideration made report, which with the Amendments afterwards made thereon by the two Houses is as follows viz[t]

That each able bodied effective Man who shall voluntarily inlist himself into the intended Expedition against Canada before the fifteenth day of April next shall be intitled to Thirty shillings, and upon his passing Muster shall receive a good Blanket and fifty shillings more for furnishing himself with Cloaths. Also That the following Establishment be made for Officers and Soldiers that may be employed in said Expedition viz[t]

That the Wages of a Colonel to each Regiment consisting of 1000 Men be . . . . . £20 ℔ month

For one Lieut[t] Colonel for such Regiment . . . . . £16 13 4 ditto

For one Major to ditto	13	6	8	ditto
For a Captain of 100 Men including Officers	8	"	"	ditto
For two Leiutenants for such Company each	5	"	"	ditto
For one Ensign for ditto	3	10	"	ditto
For one Chaplain to each Regiment	8	"	"	ditto
For one Adjutant to each Regiment	4	"	"	ditto
For one Surgeon to each Regiment	10	"	"	ditto
For one Surgeon's Mate to ditto	5	6	8	ditto
For each Sergeant	2	3	1	ditto
For each Corporal	1	18	7	ditto
For each Drummer	1	18	7	℔ month
For each Private Centinel	1	16		℔ ditto

And that there be allowed for inlisting the several Soldiers for said Expedition two shillings each to be paid to the Persons who shall inlist the same.

In the House of Representatives. Read and Ordered That this Report be accepted. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid.*, *p.* 274.

"March 18, 1758. In the House of Representatives Voted That in addition to other Encouragements granted by this Court; That to every Non Commission Officer and private Soldier, that shall voluntarily inlist themselves into his Majesty's Service for the present intended Expedition against Canada, and shall actually proceed thereon, there be paid to every such person on his Return, or to his Executors or Administrators in case they die in the Service the Sum of Ten Pounds, in case the said Government of Canada shall by said Expedition be reduced to a Subjection to his Majesty's Arms. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid.*, *p.* 276.

"March 22, 1758. In the House of Representatives. Whereas it appears to be his Majesty's Pleasure that the Forces now proposed to be raised shall be victualled at the charge of the Crown from the time of their engaging in the Service; but no express direction is given in what manner they shall be furnished untill their Arrival at the Place of rendezvous; and it being necessary in order to encourage such Inlistment that such Subsistence should be advanced untill Orders can be received from the General of his Majesty's Forces. Therefore Voted That each Soldier who shall inlist into the Service on the proposed Expedition against Canada and shall pass Muster, shall be intitled to six pence sterl[g] ℔ day for Subsistence from the time of his Inlistment, till he arrive at such Place where he shall receive the Kings Allowance. In Council, Read and Concurred.

Consented to by the Governor."—*Ibid.*, *p.* 290.

"March 22, 1758. In the House of Representatives Voted That his Excellency the Governor be desired to issue his Proclamation, therein representing the Encouragement voted by this Court to Such as shall inlist into the proposed Expedition for the Reduction of Canada. In Council. Read and Concurred, and Ordered That Silvanus Bourn Esq with Such as the honourable House shall join be a Committee to wait upon his Excellency with the desire of the two Houses accordingly.

In the House of Representatives Read and Concurred and M[r] Flucker and M[r] Foster are joined in the Affair."—*Ibid.*, *p.* 291.

"By his Excellency Thomas Pownall Esq Captain General and Governor in Cheif in and over his Majesty's Province of the Massachusetts Bay in New England and Vice Admiral of the Same.

A Proclamation.

His Majesty feeling for the Miseries that His People of these his Dominions daily suffer from the Ravages and Massacres of a perfidious and a Savage Enemy, and sensible of the very dangerous and Urgent Crisis to which this Country is reduced, has determined to make a General Invasion on Canada; and to carry War into the Heart of the Enemy's Country: And now calls upon his faithful and brave Subjects of New England to join and cooperate with that Body of his Forces which He hath been pleased to destine for that Service. And in a just grounded Expectation that the best Gentlemen and Freeholders will engage in the Service at *this Good Time*

His Majesty is graciously pleased to grant to the Officers of his American Forces a Rank & Command equal to the Officers of his British Forces, except that the Officers of the Mother Country are in their respective Ranks to be considered as Seniors to those of the Provinces.

His Majesty is further pleased to give to the Forces, Arms, Ammunition, Tents, and Provisions, and to such who shall take with them good and sufficient Arms of their own an Allowance for the same, the Loss or damage of which his General will make good.—

And Whereas this his Majesty's dutiful and loyal Province in full confidence of his wise Measures, and in Obedience to his Royal Commands have unanimously Resolved to raise a sufficient number of Men, and for the Encouragement to the People to inlist have engaged a Bounty of thirty shillings unto each able bodied effective Man who shall voluntarily inlist in the Service before the fifteenth day of April next to be paid at the time of his Inlistment, and a good Blanket, and fifty shillings more for furnishing himself with Cloaths to be paid and delivered upon his passing Muster, and have as a further Encouragement to every Non Commission Officer and Private Soldier that shall voluntarily inlist in the Service aforesaid and actually proceed in it promised the Sum of Ten Pounds, to be paid to every such person on his Return; or to his Executors or Administrators in case he die in the Service, provided the Government of Canada shall by the proposed Expedition be reduced to a Subjection to his Majesty's Arms, and have likewise made an Establishment for the Wages of each Private Centinel at the rate of thirty six shillings ℔ month. And the General Court have further made Provision for advancing to each

Private Man, From the Time of His Enlistment Six Pence Sterling ℔ day for his Subsistance till He shall arrive at such Place where He receives the Kings Provisions.

I do therefore hereby promise in his Majesty's Name, and in behalf of his Majesty's Province of the Massachusetts Bay that there shall be a full compliance with the aforementioned Articles.

And Whereas many Persons in his Majesty's Service and in the Pay of this Government have deserted from said Service, and have yet suffered no other Penalties than the Forfeiture of their Wages.

I do hereby engage that upon their Inlisting on this Occasion they shall receive a full Pardon and be exempt from all the Penalties to which they will otherwise be still exposed. And I do hereby call upon all Persons in Authority and all Officers Civil and Military that they use their Utmost Influence to Encourage and Promote this Service so Essential to the Liberties and Being of this Country.

Given at Boston the twenty third day of March 1758 and in the thirty first Year of the Reign of our Sovereign Lord George the Second, by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c

By his Excellencys Command T. Pownall,

A. Oliver Secrty."—*Records of Civil Commissions, vol. 2½, p.* 13.

"March 25, 1758. After which his Excellency was pleased to recommend it in the strongest manner to the Members of the Court, that on their Return to their respective Towns, they would endeavour to promote among the People the same Spirit of Unanimity & Vigour which they had so remarkably shewn in their own Resolutions, to join, one & all in cooperating with his Majestys Forces for the Reduction of Canada on which (under God) their Prosperity seemed in so great a Measure to depend.—*Council Records, vol. XXII., p.* 305.

"March 25, 1758. The Secretary by Order of the Governor went down to the House of Representatives with a Message, directing their Attendance in the Council Chamber.

Mr Speaker and the House came up accordingly; when his Excellency was pleased to communicate to the two Houses the Advices he had just received from Great Britain, relative to the Measures formed for the reduction of Canada, in which it was expected the several Colonies on the Continent should vigorously cooperate with his Majesty's Regular Forces; And after recommending the Affair to the serious and immediate Attention of the Court, his Excellency was pleased to deliver to Mr Speaker a Letter he had received from the Right honourable William Pitt Esq. one of his Majesty's Principal Secretaries of State dated Whitehall December 30. 1757; which Letter had been previously read at the Board. And then Mr Speaker with the House returned to their own Chamber."—*Ibid.*

"Whitehall Decr 30. 1757.—

Sir, His Majesty having nothing more at Heart, than to repair the Losses, and Disappointments, of the last inactive & Unhappy Campaign; And, by the most vigorous & extensive Efforts, to avert, by the Blessing of God on His Arms, the Dangers impending on North America; and not doubting, but all his Faithfull and Brave Subjects there will chearfully cooperate with and Second, to the Utmost, the large Expence, and extraordinary Succours, supplied by this Kingdom for their Preservation and Defence; And His Majesty considering that the several Provinces, in particular, from Proximity and Accessibility of Situation, more immediately obnoxious to the Irruptions of the Enemy from Canada, are of Themselves, well able to furnish at least Twenty Thousand Men, to join a Body of The King's Forces for invading Canada, by the Way of Crown Point, and carrying War into the Heart of the Enemy's Possessions;—And His Majesty not judging it expedient to limit the Zeal and Ardor of any of His Provinces, by making a Repartition of the Force to be raised by Each respectively, for this most important Service; I am Commanded to signify to You the King's Pleasure, that You do forthwith use your Utmost Endeavours & Influence, with the Council and Assembly of Your Province, to induce Them to raise, with all possible Dispatch, as large a Body of Men, within Your Government as the Number of its Inhabitants may allow; and forming the same into Regiments, as far as shall be formed * Convenient, That You do direct Them to hold Themselves in Readiness, as early as may be, to march to the Rendezvous at Albany, or such other Place, as His Majesty's Commander in Cheif in America, shall appoint, in order to proceed, from thence, in Conjunction with a Body of The King's British Forces, and under the Supreme Command of His Majesty's said Commander in Cheif in America, so as to be in a Situation to begin the Operations of the Campaign, by the First of May, if possible, or as soon after as shall be any way practicable, by attempting to make an Irruption into Canada, as above, by the Way of Crown Point, and, if found practicable, to attack either Montreal, or Quebec, or Both of the said places, successively, with the whole Force in one Body, or at one and the same time, by a Division of the Troops, into seperate and distinct Operations, according as His Majesty's said Commander in Cheif, shall, from his Knowledge of the Countries, thro' which the War is to be carried, and from emergent Circumstances not to be known here, judge any of the said Attempts to be practicable.

* * * * * *

And the better to facilitate this important Service, The King is pleased to leave it to You to issue Commissions to such Gentlemen of Your Province, as You shall judge, from their Weight and Credit with the People, and their Zeal for the Public Service, may be best disposed and enabled to quicken and effectuate the speedy Levying of the greatest Number of Men; In the Disposition of which Commissions,

* *Sic.*

I am persuaded, You will have nothing in View but the Good of the King's Service, and a due Subordination of the whole, when joined, to His Majesty's Commander in Cheif.—And all Officers of the Provincial Forces, as high as Colonels inclusive, are to have Rank; according to their several respective Commissions, in like Manner as is already given, by His Majesty's Regulations, to the Captains of Provincial Troops in America

The King is further pleased to furnish all the Men, so raised as above, with Arms, Ammunition, and Tents, as well as to order Provisions to be issued to the same, by his Majesty's Commissaries, in the same Proportion and Manner, as is done to the rest of The King's Forces;—A sufficient Train of Artillery will also be provided, at His Majesty's Expence; for the Operations of the Campaign; and the Ship, that conveys this, Carries Orders for the timely providing, at the King's Charge, with the utmost Diligence and in an ample Manner, Boats, and Vessells, necessary for the Transportation of the Army on this Expedition.—The whole, therefore, that His Majesty expects and requires from the several Provinces, is, the Levying, Cloathing, and Pay of the Men. And on these Heads also that no Encouragement may be wanting to this great and salutary Attempt, The Kings* is farther Most Graciously pleased to permit me to Acquaint You, that strong Recommendations will be made to Parliament in their Session next Year, to grant a proper Compensation for such Expences as above, According as the active Vigour & strenuous Efforts of the respective Provinces shall justly appear to merit.

Although several thousand Stands of Arms will be forthwith sent from England, to be distributed to the Troops now directed to be raised, in the Northern & Southern Provinces Yet, as it is hoped, that the numbers of Men, levyed in all Parts of America may greatly exceed the Quantity of Arms, that can at present be supplied from England; It is His Majesty's Pleasure, that You do, with particular Diligence, immediately collect, and put into the best Condition, all the serviceable Arms, that can be found within your Government, in order that the same may be employed, as far as they will go in this Exigency.

I am further to inform You, that Similar Orders are sent by this Conveyance, to New Hampshire, Connecticut, Rhode Island, New York, and New Jersey,—The Southern Governments are also directed to raise Men in the same Manner to be employed in such Offensive Operations, as the Circumstances & Situation of the Enemy's Posts, in those Parts, may point out; which it is hoped, will oblige them so to divide their Attention, & Forces, as will render the several Attempts more easy and Successfull.

It is unnecessary to add any thing to animate your Zeal, in the Execution of His Majesty's Orders on this great Occasion, where the Safety and Preservation of America & of your own Province in particular, are at Stake; and the King doubts not, from your known Fidelity and Attachment, that You will employ yourself with the Utmost Application & Dispatch, in this Urgent and dangerous Crisis:—Altho', the Knowledge of an Intention to invade Canada is apprehended to be not only unattended with any Inconvenience, but necessary to be propagated in the Provinces, in order to give Success to the Levies, Yet as Secrecy in all Enterprizes on particular Places is of the greatest Importance, The King is persuaded, that You will use all proper Discretion in communicating, by Name, any of the immediate Objects before pointed out, further than to such Persons, to whom it may be necessary; for the Good of the Service, confidentially to entrust the same.—I am Sir

Your most obedient humble Servt W. PITT."—"*Letters*," *vol.* 2, *p.* 206, *in Secretary's Office.*

"March 27, 1758. Advised & Consented that Warrants be made out to the Treasurer to Advance and pay to the several Persons hereafter mentioned the following sums to be by them paid over in Bounties to such Persons as shall voluntarily Enlist in the intended Expedition against Canada, they first giving Bond with Sureties to the Treasurer that the Money received shall be duly applied to that end.—Vizt

To Major Artemas Ward, the sum of Three hundred Pounds.

To Colo Thomas Doty, the sum of Two thousand Pounds.

To Colo Ebenezer Nichols, the sum of Two thousand Pounds.

To Colo Jonathan Bagley, the sum of Two thousand Pounds.

To Colo Jedidiah Preble, the sum of Two thousand Pounds."—*Executive Records of the Council, vol.* 3, *p.* 363.

"My Lords,

Since the vote which the General Court pass'd to raise 7,000 Men for the Expedition, they form'd a supply Bill enabling the Treasurer to borrow £28,000 for the immediate purpose of the Levy. And although the Government be now in debt £110,000 sterling and although it must in the Year 1758 raise the sum of £73,000 and in the year 1759 the sum of £73,930 to pay off Government securities which will then become due (the ordinary expences of the Government being in the mean while £37,500 sterling ⅌ ann: exclusive of any Military operations) Yet such is the spirit of the People such their confidence in the present administration and consequently such the credit of the Governmt that upon the Treasurer's opening his subscription it was fill'd in 12 hours." *Extract from letter of Gov. Pownall to the Lords of Trade, Mar.* [2?] 6,† 1758: "*Mass. Bay, B. T.*," *vol.* 76, *I. i.*, 49.

"April 21, 1758. In the House of Representatives. Voted that the time for raising the intended Levies for the Expedition against Canada by Inlistment be lengthned out upon the same Bounty 'till the second day of May next, and in case the number of Forces voted to be raised by this Government shall not be compleated by four o'clock in the Afternoon on said day; That his Excellency the Captain General be desired to give orders for making up the Deficiency by an Impress In Council. Read and Concurred.

Consented to by the Governor."—*Council Records, vol. XXII., p.* 314.

* *Sic.* † See foot-note to note to chap. 25, *ante.*

"April 22, 1758. In the House of Representatives. Voted. That his Excellency the Governor be desired to Issue his Proclamation promising the same bounty to such as shall inlist into the Service, on the proposed Expedition against Canada on or before the second day of May next four o'clock Afternoon, that has been already voted by this Court to such as have inlisted into said Service before the 15th Instant; and that his Excellency would be pleased to apportion the 7000 Men voted to be raised for said Service on the several Regiments and Troops of Horse within this Province, without having regard to any belonging to such Regiment or Troop that may be absent in any other Service, and inform the Cheif Commanding Officers of the said Regiments and Troops, of the number it is expected they should respectively furnish in the whole towards the said 7000 Men. In Council. Read and Nonconcurred."—*Ibid., p.* 316.

"April 22, 1758. Colo Quincy from the House of Representatives came up with a message to the Board to inquire if they had passed on the Vote of the House desiring his Excellency to issue his proclamation further to encourage the raising the 7000 Men for the Proposed Expedition against Canada, and to desire that if the said Vote is nonconcurred, it may be sent down to the House Samuel Danforth Esq accordingly carried down the said Vote to the House, it having been nonconcurred by the Board."—*Ibid., p.* 319.

"By his Excellency Thomas Pownall Esq Captain General & Governor in Cheif in and over his Majesty's Province of the Massachusetts Bay in New England and Vice Admiral of the Same.

A Proclamation.

Having on the 23d day of March last issued my Proclamation for encouraging the Inlistment of Seven thousand Men into his Majestys Service for a general Invasion of Canada—therein setting forth—That this Government had promised unto each able bodied effective Man who should voluntarily inlist into said Service before the 15th day April Instant and pass Muster a Bounty of Four Pounds and a good Blanket. And to every Non Comission Officer & Private Soldier that should voluntarily inlist in the Service aforesaid & actually proceed in it, the Sum of Ten Pounds to be paid to every such Person on his return, or to his Executors or Administrators in case he die in the Service provided the Government of Canada shall by the proposed Expedition be reduced to a Subjection to his Majesty's Arms; And had likewise made an Establishment for the Wages of each Private Centinel at the rate of thirty six shillings ℔ month; and had further made provision for advancing to each Private Man from the time of his Inlistment six pence Sterling ℔ day for his Subsistence till he shall arrive at such Place where he receives the Kings Provisions.—

And Whereas the Great and General Court in order to compleat the Levy of said Men have lengthened out the time for their Inlistment upon the same Bounty till the second day of May next.—I do hereby promise in behalf of this his Majesty's Province of the Massachusetts Bay that there shall be a full compliance with such Engagement. And that all such Persons who shall inlist as aforesaid shall be further intitled to all other Priviledges and Advantages set forth in the forementioned Proclamation—Provided said Men shall inlist at or before four of the Clock in the Afternoon of the said second day of May; after which time all such able bodied men as are fit for the Service, and who are not by Law exempted, will be liable to an Impress in consequence of the same Order of the Great and General Court and will not be intitled to the Bounty or Privileges engaged to Such as shall voluntarily inlist before.

Given at Boston the twenty second day of April 1758, and in the thirty first year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c

By his Excellencys Command T POWNALL.

A Oliver, Secrty"—*Records of Civil Commissions, ut supra, p.* 15.

"To his Excellency Thomas Pownall Esqr. Capt General &c of his Majs Province of the Massachutts Bay in New England.

We the Subscribers who your Excellcy has been pleased to appoint Officers to go in the Intended Expedition Against Canada Beg leave humbly to represent That we Esteem it Absolutely necessary it be made certain before the Troops march that they be furnished with camp furniture particularly Kettles & Haversacks.—

Also to encourage good Surgeons to Undertake in the Service that the Establishment for their pay may be Enlarged & each Regiment have at least two Surgeons Mates we find that Gentlemen of Character are unwilling to engage upon the present establishment

Upon the Strictest enquiry we find the provincial Troops may not depend upon the Kings Armorers for the repair of their Arms we beg that each Regiment be provided with an Armorer & one assistant at least.

In order to engage Gentlemen of the best Character to Undertake as Chaplains it Appears Necessary the establishment for them be Enlarged.

We desire your Excellcys particular care that Ineffective persons may not be Suffered to go in the Army (persons) for Men we cannot call Numbers that have Enlisted & Mustered.

And that a Courier may be Appointed constantly to carry Dispatches to & from the Army

ARTEMAS WARD — OLR PARTRIDGE — WM WILLIAMS
STEPHEN MILLER — NATHL THWING — TIMO RUGGLES
THOMAS DOTY
JONATHAN BAGLY
Jos WILLIAMS"

—*Archives, vol.* 109, *p.* 477.

"April 22d 1758. The Secretary by Order of his Excellency the Governor delivered the following Message to the two Houses, and laid before them the Memorial therein referred to. viz^{t}

Gentlemen of the Council and House of Representatives

I desire to recommend to your consideration this Memorial of the Officers of the Regiments to be raised for invading Canada, When our Fellow Country-men turn out so cheerfully in the Service of their Country, We should not measure our Bounty to them by a scrupulous Reasoning upon strict Right—but by a Generosity that may render *that* the Service as comfortable to them as the nature of the thing will admit.

By looking over the Preparations of last Campaign I find there was allowed by the Province Knapsacks, Hatchets Tinkettles and Tin Flasks. The importance of this Service does not call for less Preparation, It would also be a great Releif to the Labours of the Men, if some means were provided of carrying forward their Baggage to the Rendezvous. T. POWNALL.

In the House of Representatives. Ordered that Col^{o} Lawrence, M^{r} Tyng, James Russell Esq M^{r} Witt and M^{r} Foster with such as the honourable Board shall appoint be a Committee to take his Excellency's Message to both Houses of this Afternoon with the Memorial accompanying the same under consideration and report what they judge proper for this Court to do thereon. In Council. Read and Concurred and John Osborne John Erving Benjamin Pickman and Gamaliel Bradford Esq^{rs} are joined in the Affair."—*Council Records, vol. XXII., p.* 321.

"April 24, 1758. John Osborne Esq from the Committee on his Excellency's Message of the 22d Instant made the following Report viz^{t}

That a good Knapsack and a Tin Flask or Wooden Bottle be forthwith provided for each person going in the Expedition also a Tin kettle of ten quarts with a small or light Wood Axe for each Mess, six Men to a Mess, That a Chaplains Pay be advanced Forty shillings provided he is an ordained Minister and Obliged to leave his Congregation and not otherwise. And That there be allowed two Surgeons Mates instead of one.

In the House of Representatives. Read and Accepted. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 326.

Chap. 33. July 3, 1756. An Accompt presented by M^{r} James Russell Commissioner of the Stamp Duties, containing the several Articles of Receits as also of Payments & Expences for the last Year amounting to the Sum of £979: 11: 9½

In the House of Representatives; Read & Ordered that this Account be accepted ——In Council; Read & Concur'd——Consented to by the Lieu^{t} Governour."—*Council Records, vol. XXI., p.* 225.

"March 22, 1758. In the House of Representatives. Resolved That all Persons in this Province who purchased any stamped Papers or Blanks of the Commissioners of the Stamps during the continuance of the late Act for that Purpose, and who were possessed of the same or any part thereof unimproved at the expiration of said Act, shall upon application to the said Commissioner have the Value of said Stamps paid or remitted to him; the Accounts of such Stamps being presented under Oath to said Commissioner within six Months from this time.

In Council—Read and Nonconcurred."—*Ibid., vol. XXII., p.* 291.

Chap. 34. "April 28, 1758. The Secretary by order of his Excellency the Governor delivered the following Message to the House of Representatives. viz^{t}

Gentlemen of the House of Representatives.

I have received a Memorial from Col^{o} Jarvis Agent for the Contractors for victualling his Majesty's Forces, which I shall direct the Secretary to lay before you.

I see no disadvantages likely to arise to the Service if the Provincial Forces in the County of York and those in the County of Barnstable, who can embark on the South Side of the Cape should proceed as far as Albany by Water, as it is probable they may go as soon that way, as by Land. If you are of that Opinion, you will make provision for Transports accordingly. But as the Passage by Water is attended with some Uncertainty, I cannot think it adviseable for any great proportion of the Forces to proceed that way, and I shall therefore give Orders, that Magazines of Provisions be forthwith laid in at proper Stations for the remaining Part of them; And if you think it necessary to provide for any charge that may attend the Transportation of their Baggage, I will give seasonable direction for the taking up Waggons or Carts accordingly.

T POWNALL."—*Council Records, vol. XXII., p.* 345.

"April 28, 1758. The Secretary by Order of his Excellency the Governor delivered the following Message to the two Houses respectively viz^{t}

Gentlemen of the Council and House of Representatives.

In your Votes that have come up to me, I do not observe that any Provision is made for the Surgeon's Chests.

I must acquaint You that the Crown provides only for the General Hospital, and not for the Regimental Chests. That is a Regimental Affair, no Fund can possibly be found out of the Provision made for the Regiments of this Province for such; Tis Absolutely the duty of the Government to take care for the health and Lives of its Soldiers; and I hope you will give this its due weight.

Province House
April 28, 1758. T POWNALL.

In the House of Representatives Ordered That his Excellency's Message to the two Houses be committed to the Committee appointed on his Excellency's Mes-

sage of the 22d Instant to consider & report what they judge proper for this Court to do thereon. In Council. Read and Concurred."—*Ibid., p.* 347.

"April 29, 1758. The Committee appointed on his Excellency's Message of the 28th Instant made the following Report. viz^{t}

That there be forthwith provided a suitable Chest of Medicines for each Regiment going in the Expedition against Canada not exceeding Sixty Pounds lawful Money value, and that each Surgeon give directions what kind of Medicines shall be put up in his own Chest, which is submitted. J. Osborne ℔' order.

In the House of Representatives. Read and Ordered that this Report be Accepted. In Council. Read and Concurred.

Consented to by the Governor.

In the House of Representatives. Voted That the several Sums of money lodged in the hands of the Treasurers of the Towns and Districts within this Province, arising by Fines collected from Soldiers impressed in the Year 1756 for the Crown Point Expedition, be applied for raising and encouraging of Men for the Present Expedition against Canada. And the Treasurers of the several Towns & Districts are hereby directed to pay the same to Soldiers belonging to the Company or Troop from which such money was collected, who are, or shall be engaged in the Expedition against Canada, by Order of the Captain or Cheif Officer of such Company or Troop. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 348.

"April 29, 1758. The Committee appointed on his Excellencys Message of the 18th Instant reported the following draft of a Message to his Excellency in answer thereunto. viz^{t}

The Consideration of your Excellency's Message to both Houses on the 18th Current accompanyed with a Copy of a Vote of the General Assembly of the Colony of Connecticut, a Letter from the Governor of that Colony, and your Excellency's Answer, to the same, has hitherto been postponed in expectation of Intelligence of the Resolutions of that respectable Colony posterior to their Governor's receiving your Excellency's Answer and his being thereby informed that it was impossible for Commissioners on the Part of this Government to be appointed and to meet at the time and place proposed for the Conferences. But having received no Information on this Subject; both Houses now apprehend the General Assembly of Connecticut have for the present dropt their design of a Conference.

We beg leave to assure your Excellency; that We shall with Pleasure embrace every Opportunity to give proofs of Our Esteem for that Colony, and to create and preserve a correspondence of measures with all the Provinces and Colonies & particularly with that of Connecticutt, in whose wisdom & Vigour we have great Confidence, and whose preservation and Welfare we consider as intimately connected with our own.

The State of Public Affairs is altered since the Meeting of the Commissioners in Boston, and how greatly it may be changed in the Progress and Conclusion of this most important Campaign, God only knows.

In all Events these Colonies ought to be strictly united in their Measures, and their Cooperations with the Commander in Cheif of his Majesty's Forces in America, And whenever Conferences shall be necessary for these Ends, both Houses on their part will readily nominate Commissioners for that purpose.

Submitted in the Name of the Comittee James Bowdoin

In Council Read and Accepted and Ordered That Sir William Pepperrell with Such as the honourable House shall appoint be a Committee to wait on his Excellency the Governor with the foregoing Message.

In the House of Representatives Read and Concurred and Colo Williams & Colo White are joined in the Affair."—*Ibid., p.* 353.

"April 29, 1758. The Committee appointed on his Excellency's Messages of the 22d & 28th Instant made the following Report viz^{t}

That suitable Vessells be provided to transport the Troops going in the Expedition against Canada from the Counties of York, Barnstable and Dukes County. And that suitable Carriages be provided to carry the Baggage of those Troops going by Land.

By Order of the Committee J. Osborne.

In the House of Representatives. Read and Ordered That this Report be accepted. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid , p.* 354.

"October 12, 1758. In the House of Representatives Voted That his Excellency the Governor be desired to acquaint the General and the several Colonels of the Troops raised by the Government of this Province that notwithstanding the time for which the Troops of this Province are engaged, dos expire on the first day of November next, Yet if their Service beyond that time will promote the general Invasion of Canada by an Attempt on Crown Point or Ticonderoga this Campaign, their Pay shall be continued until the 15th day of November next. And that the several Colonels be directed to inform the Officers & Privates accordingly. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p.* 427.

"In the first place I have the Pleasure to tell You, that it appears by the Accounts of the Numbers victualled by the Contractor's Agent that I sent into the Service 6925 Men of the 7000. Which I beleive You will think was coming well up to your Intentions and Expectations. And here I must not omit to acknowledge the trouble which the Adjutant General took, and the Service that he did."—*Extract from Gov. Pownall's speech to both Houses, Jan.* 1, 1759: *Ibid., p.* 439.

"May 4, 1758. His Excellency acquainted the Board that he had received Information that One Gamaliel Smethurst a Soldier impressed (for the present Expedition against Canada) by Capt. John Bartoll in Colo Jacob Fowle's Regiment had

refused to Attend the service and had raised a Seditious discontented Spirit among the People of that Regiment — and desired the Opinion of the Board thereon—

The Board having fully considered the Affair were of Opinion that his Excellency give his Orders to Colº Jacob Fowle to receive of Capt. John Bartoll the said Gamaliel Smethurst, and if he be an Able bodied Effective Man that he deliver him to Samuel Glover Esqr Captain of a Company in Colº Joseph Williams's Regiment, And that his Excellency likewise give his Orders to Capt Samuel Glover to receive the said Gamaliel Smethurst, and if he shall refuse to Attend his Duty in said Company that he then send him to Castle William there to be confined till he can be sent to the general Rendezvous."—*Executive Records of the Council, vol. 3, p. 397.*

"May 12, 1758. His Excellency laid before the Board, the Deposition of Henry Clarke. John Gott and Daniel Williams respecting the departure of the Schooner Robin Hood, James Robinson Master from this Province to the Province of New Hampshire, in order to prevent getting their Quota of Men for the intended Expedition.

Advised that his Excellency write to the Governour of New Hampshire desiring him to Secure said Men, and to send them into the Province."—*Ibid., p. 400.*

"May 19, 1758. His Excellency having laid before the Board General Abercrombie's Letter of the 13th of May, recommending the Impressing of Arms for the Troops of the Province under his Command.

The Council were of Opinion that the procuring Arms by Impress would occasion so great a delay of the March of the Troops as would be exceedingly prejudicial to his Majesty's Service—

And Advise his Excellency to give Orders to the several Colonels to Use their Endeavours to prevail on as many Men as they can to take their own Arms with them, and Assure them that any inevitable loss or damage shall be made good, and that his Excellency will Use his Interest to obtain a proper Consideration for the Use or Loan of them."—*Ibid., p. 402.*

"May 26, 1758. The Draft of a Proclamation respecting Deserters from the Army under the Command of his Excellency Major General Abercrombie, was laid before the Board by the Secretary, by order of his Excellency the Governour—

Advised that his Excellency issue the said Proclamation accordingly."—*Ibid., p. 404.*

Chap. 35. "Gentlemen of the House of Representatives. I have directed the Treasurer to lay before You the State of the Treasury, and I must recommend it to You to supply the same according to the Necessities and several Exigencies of this Government. And in a more particular Manner I do hope that You will make Provision for a suitable body of Forces to cooperate in Aid and Assistance of his Majesty's Regular Troops to the Eastward.

That You will appropriate a Sum sufficient for the defence of the immediate Frontiers of this Province.

That You will make also a sufficient Establishment and Provision for the Ship of War King George, which I propose to fit out for cruizing without delay for the Protection of the Trade and Fishery of this Province."—*From the speech of Gov. Pownall to the Assembly, March 2, 1758: Council Records, vol. XXII., p. 244.*

"March 20, 1758. In Council Ordered That Thomas Hutchinson and James Bowdoin Esqrs with such as the honourable House shall join be a Committee to project the Scheme of a Lottery for the Benefit of the Government upon the present emergency of Affairs.

In the House of Representatives. Read and Concurred & Colº Worthington, Mr Flucker, and Mr Foster are joined in the Affair."—*Ibid., p. 280.*

"June 15, 1758. In the House of Representatives. Ordered That Mr Hall be one of the Managers for carrying on one or more Lotteries for supplying the Treasury with a Sum of money in the room of Mr Tyng, who desires to be excused from that Service. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., p. 403.*

"October 10, 1759. In the House of Representatives Whereas An Act passed in the 31 Year of his present Majesty's Reign intituled An Act for supplying the Treasury with a Sum of Money by Lottery proved abortive. Voted That the managers appointed for said Lottery do forthwith return an account to the Province Treasurer certifying the number of Tickets by them sold and pay into the Treasury any Sum or Sums of money which they may have received for said Tickets, and that the Treasurer be directed to pay the same unto the Possessors as they may appear to demand it. And that the Treasurer when he shall have received said money shall advertise the same in one or more of the Boston weekly News Papers three weeks successively.

In Council. Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIII., p. 77.*

Chap. 36. "June 8, 1758. To Thomas Clap Esqr the sum of Sixty-five Pounds six shillings and eight pence to reimburse him for what he advanced for hiring five Men (in lieu of Quakers in his Regiment) for a General Invasion of Canada under the Command of General Abercromby.

* * * * * *

To James Otis Esqr the sum of Two hundred Pounds to reimburse him for Money he advanced in procuring Men for an Invasion of Canada under the Command of General Abercromby in lieu of Quakers."—*Executive Records of the Council, vol. 3, p. 408.*

"June 14, 1758. To Ezra Richmond Esqr the sum of Twenty-six Pounds thirteen shillings and four pence, to Reimburse him for Money advanced for hiring two Men (in lieu of Quakers) for an Invasion of Canada under the Command of his Excellency Major General Abercromby." — *Ibid., p. 411.*

ACTS,

PASSED 1758–59.

ACTS

Passed at the Session begun and held at Boston, on the Thirty-first day of May, A. D. 1758.

CHAPTER 1.

AN ACT FOR APPORTIONING AND ASSESSING THE SUM OF EIGHTY-TWO THOUSAND AND THIRTEEN POUNDS SIX SHILLINGS AND EIGHTPENCE; AND ALSO FOR APPORTIONING AND ASSESSING A FURTHER TAX OF ONE HUNDRED AND SEVENTY-SEVEN POUNDS, FOR FINES LAID UPON TOWNS THAT HAVE SENT NO PERSONS TO REPRESENT THEM AT THE GENERAL COURT THIS YEAR.

Preamble.

Whereas the great and general court or assembly of this province did, at their session in May, one thousand seven hundred and fifty-six, grant a tax of thirty-four thousand pounds; and at their session in February, one thousand seven hundred and fifty-seven, did grant a further tax of thirty-nine thousand pounds, and by said acts provision was made, that the general court, at this present session, might apportion the same on the several towns, districts, parishes and places within the province, if they thought fit; *and whereas* the general court, at this session, have granted a further tax of eight thousand pounds, and a tax of nine hundred and ninety-three pounds six shillings and eightpence upon the town of Sherburn upon Nantucket, for carrying on the present war, making in the whole eighty-two thousand and thirteen pounds six shillings and eightpence; wherefore, for the ordering, directing and effectual drawing in the sum of eighty-two thousand and thirteen pounds six shillings and eightpence, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

1756-57, chap. 3, § 5.

1756-57, chap. 22, § 2.

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That each town, district, parish or place within this province be assessed and pay, as such town, district, parish and place's proportion of the sum of eighty-one thousand three hundred and eighty-six pounds thirteen shillings and fourpence, and for the fines aforesaid, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	FINES.	PROVINCE TAX.	TOTAL.	
Boston,	£0 0s. 0d.	£0 0s. 0d.	Twelve thousand three hundred and forty-four pounds ten shillings and 6 p.,	£12,344 10s. 6d.
Roxbury,	0 0 0	0 0 0	Nine hundred and forty-nine pounds,	949 0 0
Dorchester,	0 0 0	0 0 0	Eight hundred and forty-one pounds nine shillings and ninepence,	841 9 9
Milton,	0 0 0	0 0 0	Four hundred and twenty-three pounds seventeen shillings and threepence,	423 17 3
Braintree,	0 0 0	0 0 0	Eight hundred and eighty-four pounds seven shillings and ninepence,	884 7 9
Weymouth,	0 0 0	0 0 0	Five hundred and three pounds seventeen shillings and ninepence,	503 17 9
Hingham,	0 0 0	0 0 0	Eight hundred and eighty-six pounds nineteen shillings,	886 19 0
Dedham,	0 0 0	0 0 0	Five hundred and eighty-nine pounds five shillings and sixpence,	589 5 6
Medfield,	0 0 0	0 0 0	Three hundred and sixty-four pounds ten shillings,	364 10 0
Wrentham,	0 0 0	0 0 0	Six hundred and seven pounds two shillings,	607 2 0
Brookline,	0 0 0	0 0 0	Two hundred and twenty-six pounds sixteen shillings,	226 16 0
Needham,	10 0 0	299 0 6	Three hundred and nine pounds and sixpence,	309 0 6
Stoughton,	0 0 0	0 0 0	Five hundred and twenty-five pounds thirteen shillings,	525 13 0
Medway,	0 0 0	0 0 0	Two hundred and ninety-nine pounds and sixpence,	299 0 6
Bellingham,	0 0 0	0 0 0	One hundred and sixteen pounds two shillings,	116 2 0
Hull,	0 0 0	0 0 0	One hundred and thirty-eight pounds fourteen shillings and threepence,	138 14 3
Walpole,	0 0 0	0 0 0	Two hundred and twenty-two pounds six shillings,	222 6 0
Chelsea,	0 0 0	0 0 0	Three hundred and nine pounds nine shillings and ninepence,	309 9 9
	£10 0s. 0d.	£299 0s. 6d.	Twenty thousand five hundred and forty-two pounds one shilling and sixp.,	£20,542 1s. 6d.

IN THE COUNTY OF ESSEX.

Salem,	£0 0s. 0d.	£0 0s. 0d.	One thousand five hundred and seventy-five pounds fifteen shillings,	£1,575 15s. 0d.
Danvers,	0 0 0	0 0 0	Seven hundred and nine pounds eight shillings and sixpence,	709 8 6
Ipswich,	0 0 0	0 0 0	One thousand eight hundred and twenty pounds nine shillings and sixpence,	1,820 9 6
Newbury,	0 0 0	0 0 0	Two thousand three hundred and forty-three pounds five shillings and 3 p.,	2,343 5 3
Marblehead,	0 0 0	0 0 0	One thousand five hundred and forty pounds three shillings and 3 pence,	1,540 3 3
Lynn,	0 0 0	0 0 0	Seven hundred and forty-eight pounds eighteen shillings and threepence,	748 18 3

Andover,	£0 0s. 0d.	£0 0s. 0d.	One thousand and twenty-seven pounds thirteen shillings and ninepence,	£1,027 13s. 9d.
Beverley,	0 0 0	0 0 0	Six hundred and thirty-six pounds seventeen shillings and threepence,	636 17 3
Rowley,	0 0 0	0 0 0	Six hundred and forty-eight pounds,	648 0 0
Salisbury,	0 0 0	0 0 0	Five hundred and nine pounds twelve shillings and sixpence,	509 12 6
Haverhill,	0 0 0	0 0 0	Five hundred and ninety-eight pounds seven shillings and ninepence,	598 7 9
Gloucester,	0 0 0	0 0 0	One thousand one hundred and forty-nine pounds eight shillings and 3 pence,	1,149 8 3
Topsfield,	0 0 0	0 0 0	Two hundred and eighty-three pounds ten shillings,	283 10 0
Boxford,	0 0 0	0 0 0	Three hundred and seventy-four pounds nineteen shillings and threepence,	374 19 3
Almsbury,	0 0 0	0 0 0	Four hundred and sixty-nine pounds sixteen shillings,	469 16 0
Bradford,	0 0 0	0 0 0	Four hundred and twenty pounds ten shillings and sixpence,	420 10 6
Wenham,	10 0 0	238 5 6	Two hundred and forty-eight pounds five shillings and sixpence,	248 5 6
Middleton,	8 0 0	211 12 3	Two hundred and nineteen pounds twelve shillings and threepence,	219 12 3
Manchester,	0 0 0	0 0 0	One hundred and seventy pounds eight shillings and ninepence,	170 8 9
Methuen,	0 0 0	0 7 0	Two hundred and seventy-one pounds seven shillings,	271 7 0
	£18 0s. 0d.	£449 17s. 9d.	Fifteen thousand seven hund. and sixty-six pounds eight shillings and 6 p.,	£15,766 8s. 6d.

IN THE COUNTY OF MIDDLESEX.

Cambridge,	£0 0s. 0d.	£0 0s. 0d.	Six hundred and fifteen pounds thirteen shillings,	£615 13s. 0d.
Charlestown,	0 0 0	0 0 0	Seven hundred and thirty-one pounds eighteen shillings and sixpence,	731 18 6
Watertown,	0 0 0	0 0 0	Three hundred pounds and ninepence,	300 0 9
Woburn,	0 0 0	0 0 0	Five hundred and twenty-six pounds ten shillings,	526 10 0
Concord,	0 0 0	0 0 0	Four hundred and ninety-two pounds eight shillings and threepence,	492 8 3
Newton,	0 0 0	0 0 0	Five hundred and twenty-six pounds ten shillings,	526 10 0
Sudbury,	0 0 0	0 0 0	Five hundred and sixty-nine pounds seven shillings and threepence,	569 7 3
Marlborough,	0 0 0	0 0 0	Five hundred and sixty-seven pounds,	567 0 0
Billerica,	0 0 0	0 0 0	Three hundred and thirty-two pounds two shillings,	332 2 0
Framingham,	0 0 0	0 0 0	Four hundred and thirty-three pounds seven shillings,	433 7 0
Lexington,	0 0 0	0 0 0	Three hundred and sixty-two pounds seven shillings,	362 7 0
Chelmsford,	0 0 0	0 0 0	Three hundred and twenty-four pounds,	324 0 0
Sherburne,	0 0 0	0 0 0	Two hundred and twenty-three pounds fifteen shillings and 3 pence,	223 15 3
Reading,	0 0 0	0 0 0	Five hundred and thirty-four pounds twelve shillings,	534 12 0

IN THE COUNTY OF MIDDLESEX—*Continued.*

	FINES.	PROVINCE TAX.	TOTAL.	
Malden,	£0 0s. 0d.	£0 0s. 0d.	Four hundred and twenty-six pounds twelve shillings,	£426 12s. 0d.
Weston,	0 0 0	0 0 0	Two hundred and thirty-nine pounds eight shillings and ninepence,	239 8 9
Medford,	0 0 0	0 0 0	Four hundred and nineteen pounds ten shillings and threepence,	419 10 3
Littleton,	10 0 0	227 9 0	Two hundred and thirty-seven pounds nine shillings and sixpence,	237 9 6*
Hopkinston,	10 0 0	198 9 0	Two hundred and eight pounds nine shillings,	208 9 0
Westford,	0 0 0	0 0 0	Two hundred and eighteen pounds fourteen shillings,	218 14 0
Shirley,	0 0 0	0 0 0	Fifty-five pounds thirteen shillings and ninepence,	55 13 9
Waltham,	0 0 0	0 0 0	Two hundred and eighty pounds two shillings and sixpence,	280 2 6
Townshend,	0 0 0	0 0 0	One hundred and twenty-three pounds seventeen shillings and 3 pence,	123 17 3
Stow,	0 0 0	0 0 0	One hundred and ninety-eight pounds nine shillings,	198 9 0
Stoneham,	0 0 0	0 0 0	One hundred and forty-two pounds one shilling and ninepence,	142 1 9
Groton,	0 0 0	0 0 0	Three hundred and ninety-nine pounds sixteen shillings and six-pence,	399 16 6
Wilmington,	0 0 0	0 0 0	One hundred and sixty-two pounds,	162 0 0
Natick,	0 0 0	0 0 0	One hundred and twelve pounds fourteen shillings and sixpence,	112 14 6
Dracut,	0 0 0	0 0 0	One hundred and fifty-nine pounds six shillings,	159 6 0
Bedford,	0 0 0	0 0 0	One hundred and eighty-five pounds nineteen shillings and 3 pence,	185 19 3
Holliston,	0 0 0	0 0 0	One hundred and eighty pounds eleven shillings and threepence,	180 11 3
Tewksbury,	0 0 0	0 0 0	One hundred and fifty-nine pounds six shillings,	159 6 0
Acton,	0 0 0	0 0 0	One hundred and seventeen pounds nine shillings,	117 9 0
Dunstable,	0 0 0	0 0 0	One hundred and fifty-one pounds one shilling and ninepence,	151 1 9
Pepperrell,	0 0 0	0 0 0	One hundred and twenty-seven pounds sixteen shillings,	127 16 0
Lincoln,	0 0 0	0 0 0	Two hundred and twenty-three pounds seventeen shillings,	223 17 0
	£20 0s. 0d.	£425 18s. 0d.	Eleven thousand and sixty-nine pounds sixteen shillings,	£11,069 16s. 0d.

IN THE COUNTY OF HAMPSHIRE.

Springfield,	£0 0s. 0d.	£0 0s. 0d.	Seven hundred and eighty-eight pounds eight shillings,	£788 8s. 0d.
Northampton,	0 0 0	0 0 0	Four hundred and forty-nine pounds seven shillings and threepence,	449 7 3
Hatfield,	0 0 0	0 0 0	Two hundred and forty-two pounds thirteen shillings and 3 pence,	242 13 3
Westfield,	0 0 0	0 0 0	Three hundred and fifteen pounds eleven shillings and threepence,	315 11 3
Enfield,	0 0 0	0 0 0	Two hundred and thirty-four pounds eleven shillings and 3 pence,	234 11 3
Deerfield,	0 0 0	0 0 0	One hundred and sixty-two pounds eleven shillings and threepence,	162 11 3
Sheffield,	0 0 0	0 0 0	Three hundred and forty-nine pounds nineteen shillings and 9 pence,	349 19 9

Northfield,	£0	0s. 0d.	£0	0s. 0d.	Eighty-four pounds fourteen shillings and threepence,	£84 14s. 3d.
Hadley,	0	0 0	0	0 0	Two hundred and seventy-one pounds four shillings,	271 4 0
Suffield,	0	0 0	0	0 0	Four hundred and thirty-five pounds seven shillings and sixpence,	435 7 6
Sunderland,	0	0 0	0	0 0	Eighty-four pounds five shillings and ninepence,	84 5 9
Montague,	0	0 0	0	0 0	Fifty-eight pounds fifteen shillings and threepence,	58 15 3
Brimfield,	12	0 0	276	12 6	Two hundred and eighty-eight pounds twelve shillings and 6 pence,	288 12 6
Somers,	0	0 0	0	0 0	One hundred and sixty-seven pounds eight shillings,	167 8 0
Southampton,	0	0 0	0	0 0	Seventy-two pounds fifteen shillings,	72 15 0
South Hadley,	0	0 0	0	0 0	One hundred and fifty-three pounds nineteen shillings,	153 19 0
Palmer,	0	0 0	0	0 0	One hundred and three pounds eighteen shillings,	103 18 0
Pelham,	0	0 0	0	0 0	Eighty-five pounds one shilling,	85 1 0
Granville,	0	0 0	0	0 0	Sixty-six pounds fourteen shillings,	66 14 0
Coldspring,	0	0 0	0	0 0	Fifty-six pounds fourteen shillings,	56 14 0
Greenwich,	0	0 0	0	0 0	Sixty-three pounds nine shillings,	63 9 0
Blandford,	0	0 0	0	0 0	Forty-five pounds fifteen shillings and sixpence,	45 15 6
New Salem,	0	0 0	0	0 0	Forty-four pounds ten shillings,	44 10 0
New Marlborough,	0	0 0	0	0 0	Sixty pounds fifteen shillings,	60 15 0
No. One (adjoining to Sheffield),	0	0 0	0	0 0	Forty pounds and ten shillings,	40 10 0
Ware River,	0	0 0	0	0 0	Forty pounds and ten shillings,	40 10 0
Stockbridge,	0	0 0	0	0 0	Twenty-six pounds,	26 0 0
Roadtown,	0	0 0	0	0 0	Thirty-three pounds fifteen shillings,	33 15 0
Greenfield,	0	0 0	0	0 0	Seventy-three pounds and threepence,	73 0 3
	£12	0s. 0d.	£276	12s. 6d.	Four thousand nine hundred pounds and fifteen shillings,	£4,900 15s. 0d.

IN THE COUNTY OF WORCESTER.

Worcester,	£20	0s. 0d.	£427	5s. 6d.	Four hundred and forty-seven pounds five shillings and sixpence,	£447 5s. 6d.
Lancaster,	0	0 0	0	0 0	Four hundred and eighty-six pounds,	486 0 0
Mendon,	0	0 0	0	0 0	Four hundred and sixty-five pounds fifteen shillings,	465 15 0
Woodstock,	0	0 0	0	0 0	Five hundred and twenty-three pounds sixteen shillings,	523 16 0
Brookfield,	0	0 0	0	0 0	Three hundred and eighty-two pounds seven shillings and ninepence,	382 7 9
Oxford,	9	0 0	194	0 6	Two hundred and three pounds and sixpence,	203 0 6
Charlton,	3	0 0	64	10 0	Sixty-seven pounds ten shillings,	67 10 0
Sutton,	0	0 0	0	0 0	Three hundred and seventy-one pounds eleven shillings and nine pence,	371 11 9
Rutland,	0	0 0	0	0 0	Two hundred and sixty-seven pounds nineteen shillings and sixpence,	267 19 6
New Brantree,	0	0 0	0	0 0	Thirty-two pounds ten shillings,	32 10 0

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IN THE COUNTY OF WORCESTER—*Continued.*

	FINES.	PROVINCE TAX.	TOTAL.	
District of Rutland,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Thirty-eight pounds five shillings,	£38 5*s.* 0*d.*
Leicester,	0 0 0	0 0 0	Two hundred and fifty-four pounds five shillings,	254 5 0
District of Spencer,	0 0 0	0 0 0	One hundred and twenty-seven pounds two shillings and sixpence,	127 2 6
Southboro',	8 0 0	208 18 3	Two hundred and sixteen pounds eighteen shillings and threepence,	216 18 3
Westboro',	15 0 0	291 18 9	Three hundred and six pounds eighteen shillings and ninepence,	306 18 9
Shrewsbury,	0 0 0	0 0 0	Three hundred and forty pounds four shillings,	340 4 0
Lunenburg,	0 0 0	0 0 0	Two hundred and eighty-five pounds three shillings and ninepence,	285 3 9
Uxbridge,	0 0 0	0 0 0	Two hundred and fifty-eight pounds three shillings and ninepence,	258 3 9
Harvard,	12 0 0	239 4 6	Two hundred and fifty-one pounds four shillings and sixpence,	251 4 6
Dudley,	6 0 0	153 18 0	One hundred and fifty-nine pounds eighteen shillings,	159 18 0
Bolton,	10 0 0	233 11 0	Two hundred and forty-three pounds eleven shillings,	243 11 0
Upton,	0 0 0	0 0 0	One hundred and twenty-eight pounds eighteen shillings and sixpence,	128 18 6
Sturbridge,	0 0 0	0 0 0	One hundred and ten pounds eighteen shillings and threepence,	110 18 3
Leominster,	0 0 0	0 0 0	One hundred and twenty-one pounds ten shillings,	121 10 0
Hardwick,	0 0 0	0 0 0	One hundred and forty-nine pounds seventeen shillings,	149 17 0
Holden,	0 0 0	0 0 0	Seventy-six pounds nineteen shillings,	76 19 0
Western,	0 0 0	0 0 0	One hundred and seventeen pounds nine shillings,	117 9 0
Douglass,	0 0 0	0 0 0	Thirty-three pounds fifteen shillings,	33 15 0
Grafton,	8 0 0	197 2 0	Two hundred and five pounds two shillings,	205 2 0
Petersham,	0 0 0	0 0 0	Eighty-seven pounds fifteen shillings,	87 15 0
Narraganset, No. Two,	0 0 0	0 0 0	Fifty pounds,	50 0 0
	£91 0*s.* 0*d.*		Six thousand eight hund. and eleven pounds fourteen shillings and 3 pence,	£6,811 14*s.* 3*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Six hundred and forty-eight pounds,	£648 0*s.* 0*d.*
Scituate,	0 0 0	0 0 0	Eight hundred and ninety-one pounds.	891 0 0
Duxbury,	0 0 0	0 0 0	Two hundred and ninety-three pounds twelve shillings and sixpence,	293 12 6
Marshfield,	0 0 0	0 0 0	Six hundred and five pounds nine shillings and sixpence,	605 9 6
Bridgwater,	0 0 0	0 0 0	One thousand and thirty pounds one shilling,	1,030 1 0
Middleborough,	0 0 0	0 0 0	Seven hundred and thirty-nine pounds nine shillings and threepence,	739 9 3
Rochester,	0 0 0	0 0 0	Four hundred and forty-five pounds sixteen shillings and ninepence,	445 16 9
Plympton,	0 0 0	0 0 0	Three hundred and seventy-seven pounds six shillings and sixpence,	377 6 6
Pembrook,	0 0 0	0 0 0	Three hundred and eighty-one pounds two shillings and eightpence,	381 2 8

Kingston,	£0 0s. 0d.	£0 0s. 0d.	Two hundred and eighteen pounds and sixpence,	£218 0s. 6d.
Hanover,	0 0 0	0 0 0	Two hundred and sixty-one pounds eighteen shillings,	261 18 0
Abbington,	0 0 0	0 0 0	Three hundred and three pounds fifteen shillings,	303 15 0
Halifax,	0 0 0	0 0 0	One hundred and sixty-six pounds twelve shillings and sevenpence,	166 12 7
Warham,	0 0 0	0 0 0	One hundred and eighty-six pounds six shillings,	186 6 0
			Six thousand five hundred and forty-eight pounds ten shillings and 3 pence,	£6,548 10s. 3d.

IN THE COUNTY OF BARNSTABLE.

Barnstable,	£0 0s. 0d.	£0 0s. 0d.	Five hundred and sixty-seven pounds,	£567 0s. 0d.
Yarmouth,	0 0 0	0 0 0	Three hundred and seventy-one pounds five shillings,	371 5 0
Sandwich,	0 0 0	0 0 0	Four hundred and five pounds,	405 0 0
Eastham,	0 0 0	0 0 0	Four hundred and sixty-one pounds fourteen shillings,	461 14 0
Harwich,	0 0 0	0 0 6	Three hundred and fifty-eight pounds eight shillings and sixpence,	358 8 6
Chatham,	6 0 0	203 10 3	Two hundred and nine pounds ten shillings and threepence,	209 10 3
Truro,	0 0 0	0 0 0	Two hundred and eighteen pounds seven shillings and threepence,	218 7 3
Falmouth,	10 0 0	251 2 0	Two hundred and sixty-one pounds two shillings,	261 2 0
	£16 0s. 0d.		Two thousand eight hundred and fifty-two pounds seven shillings,	£2,852 7s. 0d.

IN THE COUNTY OF BRISTOL.

Taunton,	£0 0s. 0d.	£0 0s. 0d.	Seven hundred and eighty-one pounds nineteen shillings and ninepence,	£781 19s. 9d.
Rehoboth,	0 0 0	0 0 0	One thousand one hundred and twenty pounds sixteen shillings and 9 pence,	1,120 16 9
Swanzey, with Shawamet,	0 0 0	0 0 0	Four hundred and ninety-seven pounds nine shillings and sixpence,	497 9 6
Dartmouth,	0 0 0	0 0 0	One thousand four hundred and fifty-eight pounds,	1,458 0 0
Norton,	0 0 0	0 0 0	Four hundred and eighty-nine pounds and ninepence,	489 0 9
Attleborough,	0 0 0	0 0 0	Five hundred and thirty-three pounds eighteen shillings and sixpence,	533 18 6
Dighton,	0 0 0	0 0 0	Three hundred and forty-four pounds eighteen shillings and sixpence,	344 18 6
Freetown,	10 0 0	318 12 0	Three hundred and twenty-eight pounds twelve shillings,	328 12 0
Raynham,	0 0 0	0 0 0	Two hundred and five pounds seventeen shillings and sixpence,	205 17 6

IN THE COUNTY OF BRISTOL—*Continued.*

	FINES.	PROVINCE TAX.	TOTAL.	
Easton,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Two hundred and thirty-six pounds eleven shillings and ninepence,	£236 11*s.* 9*d.*
Berkley,	0 0 0	0 0 0	One hundred and eighty-three pounds eighteen shillings and ninepence,	183 18 9
			Six thousand one hundred and eighty-one pounds three shillings and ninep.,	£6,181 3*s.* 9*d.*

IN THE COUNTY OF YORK.

York,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Seven hundred and nintey-three pounds two shillings and sixpence,	£793 2*s.* 6*d.*
Kittery,	0 0 0	0 0 0	Nine hundred and thirty-one pounds ten shillings,	931 10 0
Wells,	0 0 0	0 0 0	Three hundred and fifty-six pounds eight shillings,	356 8 0
Berwick,	0 0 0	0 0 0	Four hundred and eighty-six pounds,	486 0 0
Falmouth,	0 0 0	0 0 0	Seven hundred and sixty-nine pounds ten shillings,	769 10 0
Biddeford,	0 0 0	0 0 0	Three hundred and twenty-six pounds fourteen shillings,	326 14 0
Arundell,	0 0 0	0 0 0	One hundred and eighty-one pounds eleven shillings and sixpence,	181 11 6
Scarborough,	0 0 0	0 0 0	Two hundred and seventy-eight pounds eight shillings and ninepence,	278 8 9
North Yarmouth,	0 0 0	0 0 0	Ninety-one pounds three shillings and threepence,	91 3 3
Georgetown,	0 0 0	0 0 0	One hundred and twenty-eight pounds eleven shillings and ninepence,	128 11 9
Brunswick,	0 0 0	0 0 0	Ninety-five pounds fifteen shillings and threepence,	95 15 3
Sheepscut,	0 0 0	0 0 0	Eighty-one pounds,	81 0 0
District of Harpswell,	0 0 0	0 0 0	Fifty pounds,	50 0 0
			Four thousand five hundred and sixty-nine pounds fifteen shillings,	£4,569 15*s.* 0*d.*

IN THE COUNTY OF DUKES-COUNTY.

Edgartown,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Two hundred and eighty-one pounds two shillings and ninepence,	£281 2*s.* 9*d.*
Chilmark,	0 0 0	0 0 0	Three hundred and thirteen pounds four shillings,	313 4 0
Tisbury,	0 0 0	0 0 0	One hundred and seventy-nine pounds eleven shillings,	179 11 0
			Seven hundred and seventy-three pounds seventeen shillings and ninepence,	£773 17*s.* 9*d.*

IN NANTUCKET COUNTY.

	TAX FOR SOLDIERS.	PROVINCE TAX.	TOTAL.	
Sherburne,	£993 6s. 8d.	£1,180 11s. 0d.	Two thousand one hundd and seventy-three pounds seventeen shillngs and 8 p.,	£2,173 17s. 8d.

	FINES.	TOTAL.	
Suffolk,	£10 0s. 0d.	Twenty thousand five hundred and forty-two pounds one shilling and sixpence,	£20,542 1s. 6d.
Essex,	18 0 0	Fifteen thousand seven hundred and sixty-six pounds eight shillings and sixpence,	15,766 8 6
Middlesex,	20 0 0	Eleven thousand and sixty-nine pounds sixteen shillings,	11,069 16 0
Hampshire,	12 0 0	Four thousand nine hundred pounds fifteen shillings,	4,900 15 0
Worcester,	91 0 0	Six thousand eight hundred and eleven pounds fourteen shillings and 3 pence,	6,811 14 3
Plymouth,	0 0 0	Six thousand five hundred forty-eight pounds ten shillings and threepence,	6,548 10 3
Barnstable,	16 0 0	Two thousand eight hundred fifty-two pounds seven shillings,	2,852 7 0
Bristol,	10 0 0	Six thousand one hundred and eighty-one pounds three shillings and 9 pence,	6,181 3 9
York,	0 0 0	Four thousand five hundred and sixty-nine pounds fifteen shillings,	4,569 15 0
Dukes-County,	0 0 0	Seven hundred and seventy-three pounds seventeen shillings and ninepence,	773 17 9
Nantucket,	0 0 0	Two thousand one hundred seventy-three pounds seventeen shillings and 8 p.,	2,173 17 8
	£177 0s. 0d.	Eighty-two thousand one hundred and ninety pounds six shillngs and eightpence,	£82,190 6s. 8d.

And be it further enacted,

Rules for assessment.

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district or parish, or other place within this province that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, thirteen shillings and sixpence per poll (excepting the governor, lieutenant-governor, and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands and under their actual management and improvement; as also all the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards publick charges, they may exempt their polls, or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county in proportion to their province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money or commissions of profit in their improvement, according to their understanding or cunning, at one shilling per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for such town, district, parish or other place to pay; and in making their assessment, to estimate houses and lands at six years' yearly rent whereat the same may be reasonably set or let for in the place where they lye: *saving* all contracts between landlord and tenant, and where no contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; goats and sheep of one year old, at three shillings each: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and if as guardian, or for any estate, in his or her improvement, in trust, to be distinctly expressed; and the list or lists, so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of any such town, district, parish or other place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them

committed, unto himself, some time before the last day of October next.

[Sect. 4.] And the treasurer, for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector, or constable or constables of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection and issue their accompts of the whole, at or before the thirty-first day of March next, which will be in the year of our Lord one thousand seven hundred and fifty-nine.

And be it further enacted,

Inhabitants to bring in a true list of their polls, &c.

[Sect. 5.] That the assessors of each town, district, parish or place, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way to give or bring in to the assessors true and perfect lists of their polls, rateable estate, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid in to the town, district or parish treasurer or selectmen for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in the case of being over-rated. And if any person or persons shall not bring in a list of their estates, as aforesaid, to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions for any abatement of the assessment laid on him or them.

[Sect. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estates, or income by trade or faculty, business or employment, which he doth or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it further enacted,

Transient traders to be rated.

[Sect. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, and trade, to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons according to their circumstances, pur-

suant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected, as aforesaid.

And be it further enacted,

Merchants, &c., to be rated for carrying on trade in any other town beside where they dwell.

[SECT. 8.] That when any merchant, trader or factor, shall set up a store and traffick or carry on any trade or business in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid be and are hereby impowered to rate and assess all such merchants, traders and factors, their goods and merchandizes, for carrying on such trade and business, and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as afore mentioned, the selectmen of the town where such trade is carried on, shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[SECT. 9.] And the constables or collectors are hereby enjoyned to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same. [*Passed June* 15.

CHAPTER 2.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT TO PREVENT THE DESERTION OF SOLDIERS DURING THE PRESENT WAR WITH FRANCE, AND THE LOSS OF ARMS," &c.

Preamble.

1756-57, chap. 36, §1.

WHEREAS in and by an act made and passed in the thirtieth year of his present majesty's reign, intitled "An Act to prevent the desertion of soldiers during the present war with France, and the loss of arms, whether lent by his majesty or belonging to this province," it is among other things provided that it shall and may be lawful for any person to apprehend any one who may be suspected to be a deserter, if inlisted or impressed in this or either of the neighbouring governments, and bring [them] [*him*] before any justice of the peace living in or near the place where he shall be apprehended: *and whereas* it hath been doubted whether any person may lawfully enter by force into any house or vessel[l] to search for a deserter suspected to be harboured or concealed there,—

Be it therefore enacted by the Governour, Council and House of Representatives,

Sheriffs, &c., may make forcible entry in search of deserters.

[SECT. 1.] That it is and shall be lawful for any sherif[*f*] or his deputy or a constable within their respective precincts, and for such officers only, with their assistants, by virtue of a warrant from a justice of the peace of the county where any deserter is or shall be vehemently suspected to be concealed or harboured, to break open and forc[ea][*i*]bly enter any dwelling-house or outhouse (whether belonging to the deserter or to any other person) and into any ship or vessel in order to make search for such deserter, and apprehend him when found, and bring him before a justice as aforesaid: *provided*, *always*, that such officer shall not enter by force into any house or vessel without first giving notice that a deserter is suspected to be concealed or harboured there, and that he hath a warrant from a justice to search for and apprehend him; nor unless, after a demand made by the officer, the supposed deserter shall refuse or neglect to surrender himself, nor unless the officer's entrance, when by him demanded, shall be denied or any ways obstructed.

Proviso.

And be it further enacted,

[Sect. 2.] That if any justice of the peace, upon application made to him by a commission officer for a warrant to search for and apprehend any deserter, shall refuse or neglect to grant such warrant, and shall be thereof du[e]ly convicted, he shall for every such offence be adjudg[e]'d to pay as a fine to his majesty a sum not exceeding fifty pounds nor less than ten pounds, at the discretion of the justices of the court wherein such conviction shall be had: *provided*, *always*, that no warrant be granted by any justice of the peace to search for a deserter in any house or vessel before oath shall be made before him by the commission officer applying for such warrant that he vehemently suspects that such deserter is concealed or harboured in such house or vessel.

Penalty for any justice refusing, on application, to grant a warrant, &c.

Proviso.

And be it further enacted,

[Sect. 3.] That when and so often as any person shall by order of a justice be committed to goal as a deserter, the keeper of the same goal shall detain him in custody until, upon application made by a commission officer appointed to rec[ie][*ei*]ve him, he shall by order of a justice of the peace be delivered over to such officer to be sent to the company or regiment to which he belongs, to attend his duty in his majesty's service. [*Passed June* 8; * *published June* 12.

Deserters to be detained till discharged by a justice.

CHAPTER 3.

AN ACT FOR PREVENTING ANY DEFICIENCY IN THE NUMBER OF SOLDIERS TO BE RAISED WITHIN THIS PROVINCE FOR THE INTENDED EXPEDITION AGAINST CANADA.

It appearing to this court that notwithstanding the many orders that have been issued by his excellency the captain-general, and the several laws enforcing the same, for raising and compleating the number of soldiers agreed to be levied within this province for the present expedition against Canada, that as yet the number raised in some of the regiments falls short of the quota or proportion assigned them; and that divers persons duly inlisted or impressed have absconded, and others refuse to go forth into the service; and this government, willing to do all that in them lies to prevent any such deficiency, more especially on this so important occasion, do enact,—

Preamble.

And be it accordingly enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That the colonels or chief officers of the several regiments within this province, that of Nantucket only excepted, shall forthwith make return to the captain-general, upon receiving his orders therefor, of the names of all such as have *bonâ fide* been inlisted or impressed for the present expedition against Canada, in pursuance of the captain-general's warrant issued for that purpose; as also the names of such impressed and inlisted persons as have not gone forth into the service, and of all those, so far as hath come to their knowledge, who since their departure have deserted and returned.

Colonels or chief officers to return lists, &c.

[Sect. 2.] And the captains or chief officers of the several companies shall, without delay, make diligent enquiry in order to discover what inlisted or impressed soldiers belonging to their respective companies are not gone into the service, and such as, having gone forth, have deserted and returned, and shall lodge a list of their names with

Captains, &c., to make strict inquiry for soldiers not come into the service, and to make return.

* June 15, according to the record.

the colonel of the regiment whereto they belong, by him to be transmitted to the captain-general as aforesaid.

And be it further enacted,

Penalty for not making return.

[SECT. 3.] That if any such field-officer or other officer aforesaid shall refuse or neglect to make due return as aforesaid, or shall wittingly make a false return, such officer, upon due conviction of such offence, shall be thereafter rendered uncapable of sustaining any office, civil or military, within this government.

And be it further enacted,

Captains, &c., to apply for warrants for apprehending delinquent or desertling soldiers.

[SECT. 4.] That the captains or chief officers of the several companies shall, as soon as may be, make application to some justice of the peace in the county where such company is, for a warrant or warrants for apprehending such delinquent or deserting soldiers and securing them in the goal of such county, or otherwise, for conveying them to such place as the captain-general shall appoint, from whence they may be afterwards sent or transported to the company or regiment, gone forth in his majesty's service, to which they respectively belong, there to do duty; which warrant shall be granted without fee or reward. And the sheriff or other executive civil officer, having such warrant, is hereby authorized to convey any soldier or soldiers by him apprehended, through any county or counties, to the place that shall be assigned as aforesaid to receive and secure them.

Warrants to be granted without fee.

Sheriff's power of conveying.

And be it further enacted,

Chief officers, &c., may apprehend enlisted or impressed soldiers without warrant, &c.

[SECT. 5.] That it shall and may be lawful for the chief officer of every regiment or company, as occasion may require, not only to apprehend, as by law they may, any inlisted or impressed soldier who refuses or neglects to attend duty in the expedition aforesaid, but, without warrant from a justice of the peace, to secure such soldier, or to convey him to the place to which he shall be ordered by the captain-general, there to be detained until he can be sent into the public service in said expedition, such officer giving immediate notice thereof to the captain-general, and attending his orders relative thereunto.

And be it further enacted,

Penalty for not aiding officers.

[SECT. 6.] That every person refusing to aid and assist any civil or military officer, being thereunto required in his majesty's name, in apprehending and securing any such delinquent or in conveying him to such place as the captain-general shall appoint, from whence he may with most convenience be transported or conveyed to the army, he and they shall, upon conviction of such offence, forfeit and pay to his majesty, for the use of this government, the sum of five pounds. And in case any person shall presume to rescue any such delinquent apprehended as aforesaid, or to be aiding therein, he shall be corporally punished by whipping, not exceeding twenty stripes, at the discretion of the court before whom he shall be convicted, according to the aggravation of the offence.

Penalty for a rescue.

And be it further enacted,

Delinquent soldiers to be conveyed to the regiment, &c.

[SECT. 7.] That all such delinquent soldiers as shall be apprehended as aforesaid, and such others as may be impressed or hired for his majesty's service aforesaid, shall, as soon as may be, be transported or conveyed to the regiment or company, in the army, whereto they respectively belong, or to which they shall be assigned, in such manner as the captain-general shall judge to be most convenient.

Preamble.

And whereas a deficiency in the quota of men ordered by the captain-general, in consequence of an act of this government, to be raised in divers regiments within this province, has happened by reason that a great number belonging to certain companies in such regiments were gone on fishing voyages to avoid the embargo that has since been laid, or were departed this province to avoid being impressed into his majes-

ty's service in the present expedition; by reason whereof the proportion of men ordered by the colonels to be raised out of such companies as their proportion, could not be obtained; therefore,—

Be it further enacted,

Deficiency of soldiers to be completed by the colonel or chief officer of the regiment.

[Sect. 8.] That where such deficiency has happened in any company, the colonel or chief officer of the regiment to which such company belongs shall, and he is hereby required, upon order therefor received from the captain-general, forthwith to cause such deficiency to be supplied, and the full quota which were ordered to be raised in such regiments to be compleated, by impress, out of such deficient company, if it may be, or otherwise out of the other companies in the same regiment, in due proportion to each other; the charge of raising said men to be borne by such deficient company, or such of them as by withdrawing themselves have avoided doing duty, as shall be judged most equitable, and in such manner and proportion as the commission officers of such regiment shall order; and to issue his warrants to the several captains for that purpose; and them shall muster and have in readiness to send into the service as the captain-general shall order; and every captain shall, without delay, lodge a list of the names of the persons so impressed with his colonel, by him to be thereupon immediately transmitted to the captain-general.

Captains to lodge lists, &c.

1757-58, chap. 36, § 2.

And whereas in and by a late law of this province, intitled "An Act in addition to an act made and passed this present year, intitled 'An Act for the speedy levying of soldiers for an intended expedition,'" it is among other things enacted, that in every regiment in which there are any of the people called Quakers, liable to be impressed, the colonel or chief officer of such regiment be impowered and required to engage and employ a sum not exceeding thirteen pounds six shillings and eightpence per man, in order to hire into the service so many men as would have been liable to be impressed from the people called Quakers, in a due proportion to the other part of the regiment; the sums so engaged to be paid out of the public treasury and to be levied in the next tax-act upon the people called Quakers, in such manner and proportion as shall be therein ordered.

And whereas by reason of the great number of persons of that perswasion in the regiments under the command of Colonel Ezra Richmond and Colonel Thomas Bowen, and for that those regiments are bordering upon or near to the boundary-line betwixt this and the government of Rhode Island, it has been found difficult if not impracticable, to hire so many men as are wanting to make up the full quota assigned to those regiments,—

Be it therefore further enacted,

Any person empowered to hire men in the room and stead of Quakers.

[Sect. 9.] That it shall and may be lawful not only for the colonels of those regiments, but for any other person or persons living elsewhere within this province, whom the captain-general shall appoint, to engage and employ such sum as aforesaid for hiring into said service so many men in any other part of the province in the room and stead of the people called Quakers, as shall be necessary to supply the remaining deficiency in the number of soldiers which the Quakers in those regiments were liable to find as their proportion; the sums so engaged, together with all the costs attending the procuring said men, to be paid out of the public treasury by warrant from the governour, with the advice and consent of the council, and to be levied in the next tax-act upon the people called Quakers, in manner and proportion as shall be therein ordered.

And be it further enacted,

Penalty on military officers for wilfully neg-

[Sect. 10.] That every military officer who shall wilfully neglect the duty enjoyned him by this act shall, upon due conviction of such

neglecting their duty.

offence before the superiour court of judicature, court of assize and general goal delivery, upon complaint or information made to said court, be liable not only to be cashiered, but to be mulcted in a sum not exceeding one hundred pounds, for the use of this province, at the discretion of the justices of said court, according to the circumstances aggravating or extenuating the offence. [*Passed June* 15; *published June* 16.

CHAPTER 4.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF ONE HUNDRED AND EIGHTY THOUSAND POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLIC DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Preamble.

WHEREAS the provision already made for defreying the expences of the Crown-Point expedition is found insufficient, and no provision made by the general court for discharging the debts of the ensuing year,—

Be it enacted by the Governour, Council and House of Representatives,

Treasurer empowered to borrow £180,000.

[SECT. 1.] That the treasurer of the province be and he hereby is impowered and directed to borrow from such person or persons as shall be willing to lend the same, a sum not exceeding one hundred and eighty thousand pounds in mill'd dollars, at six shillings each, or in other coined silver at six shillings and eightpence per ounce; and the sum so borrowed shall be applied in manner as in this act is hereafter directed.

[SECT. 2.] And for the sum of nine thousand one hundred and ninety pounds six shillings and eight pence, being part of the aforesaid sum of one hundred and eighty thousand pounds, the treasurer shall give his receipt or obligation in the form following:—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of
Received of the sum of , for the use and service of the province of the Massachusetts Bay, and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer to repay the said or order, the first day of June one thousand seven hundred and fifty-nine, the aforesaid sum of , in coined silver at six shillings and eightpence per ounce, or Spanish mill'd dollars, at six shillings each, with interest annually, at the rate of six per cent per annum.

Witness my hand, H. G., Treasurer.

Notes payable in 1761 and 1762.

[SECT. 3.] And for the further sum of one hundred thousand pounds, part of the said sum of one hundred and eighty thousand pounds, the treasurer shall give his notes in the form aforesaid, payable the first day of June one thousand seven hundred and sixty-one.

[SECT. 4.] And for the further sum of seventy thousand eight hundred and nine pounds thirteen shillings and fourpence, being the remainder of the aforesaid sum of one hundred and eighty thousand pounds, the treasurer shall give his notes in the form aforesaid, payable the first day of June one thousand seven hundred and sixty-two.

And no receipt shall be given for less than six pounds.

And be it further enacted,

£2,000 for payment of the late Crown-Point expedition.

[SECT. 5.] That the aforesaid sum of one hundred and eighty thousand pounds, when received into the treasury, shall be issued out in the manner and for the purposes following; that is to say, two thousand pounds, part of the sum of one hundred and eighty thousand pounds, shall be applied

for the payment of the services of the late Crown-Point expeditions still unpaid; and the further sum of sixteen thousand pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied for the service of the several forts and garrisons within this province, pursuant to such grants and orders as are or shall be made by this court for these purposes; and the further sum of eight thousand five hundred pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied for purchasing provisions and the commissary's disbursements for the service of the several forts and garrisons within this province; and the further sum of eight thousand pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied for the payment of such premiums and grants that now are or may hereafter be made by this court; and the further sum of five thousand pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied for the discharge of other debts owing from this province to persons that have served or shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose; and for paper, writing and printing for this court; and the further sum of three thousand pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied for the payment of his majesty's council and house of representatives serving in the great and general court during the several sessions for the present year; and the further sum of six thousand pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied to the payment of the charge of maintaining armed vessels of war belonging to this province; and the further sum of four thousand pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied for the payment of the troops that marched for the relief of Fort William Henry when attacked by the enemy in August, one thousand seven hundred and fifty-seven; and the further sum of five thousand two hundred and fifty-five pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied for the payment of the bayonets provided for the militia of this province by virtue of the act intituled "An Act in addition to the several acts of this province for regulating the militia;" and the further sum of one hundred and twenty-one thousand nine hundred and forty-five pounds, part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied for the payment of the expences in the present expedition against Canada;

£16,000 for forts and garrisons.

£8,500 for purchasing provisions, &c.

£8,000 for premiums and grants.

£5,000 for payment of debts where there is no establishment, &c.

£3,000 for payment of the council and house of representatives.

£6,000 for armed vessels.

£4,000 for payment of troops who marched to Fort William Henry.

£5,255 for payment of bayonets, &c.

1757-58, chap. 18, § 6.

£121,945 for the Canada expedition.

And whereas there are sometimes contingent and unforeseen charges that demand prompt payment,—

Be it further enacted,

[Sect. 6.] That the sum of three hundred pounds, being the remaining part of the aforesaid sum of one hundred and eighty thousand pounds, shall be applied to pay such contingent charges, and for no other purpose whatsoever.

£300 for contingent charges.

And in order to draw the money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon), by him given in pursuance of this act,—

Be it enacted,

[Sect. 7.] That there be and hereby is granted to his most excellent majesty a tax of one hundred and eighty thousand pounds, to be levyed on polls, and estates both real and personal within this province, in manner following; that is to say, nine thousand one hundred and ninety pounds six shillings and eightpence, part thereof, according to such rules and in such proportions on the several towns and districts within the province, as shall be agreed upon and ordered by the general

Tax granted of

£9,190 6*s.* 8*d.* in 1758.

court or assembly in their present session, and to be paid into the pub-
£100,000 in 1760. lick treasury on or before the last day of March then next after. And the further sum of one hundred thousand pounds, according to such rules and in such proportion on the several towns and districts aforesaid, as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and sixty, and to be paid
£70,809 13s. 4d. in 1761. into the treasury on or before the last day of March next after. And the further sum of seventy thousand eight hundred and nine pounds thirteen shillings and fourpence, according to such rules and in such proportion on the several towns and districts aforesaid, as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and sixty-one, and to be paid into the treasury on or before the last day of March next after.

And be it further enacted,

Rule for apportioning the tax, in case no tax act shall be agreed on. [SECT. 8.] That if the general court, in their present session, and in their session in May, one thousand seven hundred and sixty, and in their session in May, one thousand seven hundred and sixty-one, and some time before the twentieth day of June in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, assessed and levied, that then, and in such case, each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sums as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[SECT. 9.] And the province treasurer is hereby fully impowered and directed, some time in the month of June in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by and subject to all such rules and directions as shall have been given in the last preceeding tax-act.

And as a further fund to enable the treasurer to discharge said receipts and obligations by him given in pursuance of this act,—

Be it enacted,

Fund. [SECT. 10.] That the duties of excise upon spirituous liquors, for the year seventeen hundred and fifty-nine, shall be applied for the payment and discharge of the principal and interest that shall become due on said notes, and to no other purpose.

And be it further enacted,

The treasurer to conform to the appropriations. [SECT. 11.] That the treasurer is hereby directed and ordered to pay the sum of one hundred and eighty thousand pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary, to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they
Proviso. direct, such muster-rolls and accounts, after payment thereof: *provided, always*, that the remainder of the sum which shall be brought into the treasury by the duties of excise before mentioned, and the several taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever.

And whereas this province have an humble trust and dependance on

his majesty for a reimbursement of the charge arising in consequence of the intended expedition against Canada,—

Be it enacted,

[Sect. 12.] That the treasurer be and hereby is directed and impowered to apply so much of the money that shall arrive from Great Britain before the first day of June, *Anno Domini* one thousand seven hundred and sixty-two, as shall be necessary to discharge the notes to be by him given pursuant to this act; save, only, that nothing in this act shall alter the appropriation of twenty-eight thousand pounds out of said money pursuant to an act of this province, intitled "An Act impowering the province treasurer to borrow twenty-eight thousand pounds." Notes or securities given by the treasurer, to be paid out of such money as may be granted by parliament. 1757-58, chap. 30.

[Sect. 13.] And in case of the arrival of the money as aforesaid, and the whole of said notes being discharged thereby, then the clauses in this act providing for issuing a tax of one hundred thousand pounds and a tax of seventy thousand eight hundred and nine pounds thirteen shillings and fourpence be and hereby is declared void.

[Sect. 14.] And in case only part of said notes shall be discharged, then the treasurer shall not issue his warrants for assessing more than what shall be necessary for making up such deficiency, and shall issue his warrants, if need be, accordingly, for assessing such deficiency only. [*Passed June* 15; *published June* 16.

CHAPTER 5.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

Be it enacted by the Governour, Council and House of Representatives, That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his excellency Thomas Pownall, Esq., captain-general and governour-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of government. [*Passed June* 15; *published June* 16.

CHAPTER 6.

AN ACT IN ADDITION TO THE SEVERAL ACTS FOR THE BETTER REGULATING THE INDIANS.

Whereas the act of this government, intituled "An Act in addition to the several acts for the better regulating the Indians," is near expiring, and as said act has proved very beneficial to the Indians, and a further regulation is also necessary,— Preamble. 1753-54, chap. 6.

Be it enacted by the Governo[*u*]*r, Council and House of Representatives*,

[Sect. 1.] That there be three proper persons appointed for the future by this court, near to every Indian plantation in this province, guardians to the said Indians in their respective plantations, who are hereby impowered, from and after the [23] [*twenty-third*] day of June, A. D. 1758, to take into their hands the said Indians lands, and allot to the several Indians of the several plantations such parts of the said lands and meadows as shall be sufficient for their particular improve- Three proper persons to be appointed as guardians to the Indians in their respective plantations.

ment from time to time during the continuance of this act; and the remainder, if any there be, shall be let out by the guardians of the said respective plantations to suitable persons for a term not exceeding the continuance of this act.

[SECT. 2.] And such part of the income thereof as is necessary shall be applied for the support of such of the proprietors in their respective plantations as may be sick or unable to support themselves; and the surplusage thereof, if any there be, shall be distributed amongst them according to their respective rights or interest, for providing necessaries for themselves and families and for the payment of their just debts, at the discretion of their said guardians; and that the respective guardians aforesaid be hereby impowered and enabled, in their own names, and in their capacities as guardians, to bring forward and maintain any action or actions for any trespass or trespasses that may be committed on the said Indian land; and that any liberty or pretended liberty obtained from any Indian or Indians for cutting off any timber, wood or hay, milking pine-trees, carrying off any ore or grain, or planting or improving said lands, shall not be any bar to said guardians in their said action or actions: *provided*, that nothing in this act shall be understood to bar any person or persons from letting creatures run upon the said Indians' unimproved lands that lie common and contiguous to other towns or proprietors.

Proviso.

And be it further enacted,

Indians prohibited leasing or selling lands, &c.

[SECT. 3.] That from and after the [23] [*twenty-third*] day of June aforesaid, no Indian or Indians shall sell or lease out to any other Indian or Indians any of his or her lands without the consent of the guardians, or a major part of the guardians, of the Indians of the plantation wherein such lands do lye; and all sales or leases of land for any term or terms of years that shall, at any time hereafter during the continuance of this act, be made by any Indian or Indians to any other Indian or Indians, shall be utterly void and of none effect, unless the same be made by and with the licen[s][c]e of the respective guardians as aforesaid.

And be it further enacted,

No action to be brought against any Indian for debt, unless.

[SECT. 4.] That no action shall be brought against any of the said Indians for any debt hereafter to be by them contracted with any English persons for any sum whatsover, unless the same be first examined and allowed by the court of general sessions of the peace for the county where such Indian or Indians live, or the respective guardians of such plantations where such Indian or Indians live, except specialties approbated according to the law of this province made in the fourth and fifth year of the reign of his majesty King George the First, intituled "An Act in addition to the act for preventing abuses to the Indians," made in the twelfth year of King William.

1700-1, chap. 9.

And be it further enacted,

Guardians to keep a fair account, &c.

[SECT. 5.] That the several guardians aforesaid shall keep a fair account of their proceedings in the abovesaid affair, to be by them laid before the general court from year to year, by said court to be adjusted and allowed of.

Limitation.

[SECT. 6.] This act to continue and be in force for the space of three years from said [23] [*twenty-third*] day of June, and from thence to the end of the next session of the general court, and no longer. [*Passed June* 15; *published June* 16.

ACTS

Passed at the Session begun and held at Boston, on the Fourth day of October, A. D. 1758.

CHAPTER 7.

AN ACT FOR ALTERING THE TIMES APPOINTED FOR HOLDING THE COURTS OF GENERAL SESSIONS OF THE PEACE AND INFERIOUR COURTS OF COMMON PLEAS AT PLYMOUTH, WITHIN AND FOR THE COUNTY OF PLYMOUTH.

Preamble. 1742-43, chap. 32. 1753-54, chap. 33.

Whereas the times appointed by law for holding the courts of general sessions of the peace and inferiour courts of common pleas at Plymouth, within and for the county of Plymouth, is found to be inconvenient,—

Be it therefore enacted by the Governour, Council and House of Representatives,

Time of inferior courts sitting in Plymouth for the county of Plymouth altered.

[Sect. 1.] That the times for holding the said courts of general sessions of the peace and inferiour courts of common pleas at Plymouth, for the county of Plymouth, shall henceforth be on the first Tuesday of January, April, July and October annually; and all officers and other persons concerned are required to conform themselves accordingly.

And be it further enacted,

All matters depending in said courts continued.

[Sect. 2.] That all writs, suits, plaints, processes, appeals, recognizances, warrants, or other matters or things whatsoever, which now are, or at any time before the said first Tuesday of January shall be issued, taken or depending in the said county of Plymouth, which were to have been returned or proceeded on at the time heretofore appointed by law for holding the said courts at Plymouth, shall be valid and stand good to all intents and purposes in the law, and shall be returned and proceeded on at the times appointed by this act for holding the same. [*Passed October* 14.

CHAPTER 8.

AN ACT PROVIDING FOR THE RECEPTION AND ACCOMMODATION OF HIS MAJESTY'S FORCES WITHIN THIS PROVINCE.

1757-58, chap. 25.

Be it enacted by the Governo[u]r, Council and House of Representatives,

Regular forces marching through the province to be provided with quarters, &c.

[Sect. 1.] That when and so often as, during the continuance of this act, it shall be judged necessary for the defence of his majesty's dominions, or for carrying on measures against his enemies, that any of his majesty's regular forces should march through any of the towns

or districts within this province, every taverner or innholder within such town or district within this province shall receive and entertain within their respective houses and outhouses, as many of such forces as can therein be received and accommodated; and if such forces shall not be provided with victuals, every such taverner or innholder shall furnish them with diet and small beer, payment or allowance to be made therefor as follows; viz[t]., for one commission officer of foot under the degree of a captain, for his diet and small beer, per diem, one shilling sterling, and for each foot soldier['s] diet and small beer, sixpence sterling per diem, and so in proportion for part of a day.

Rates of quarters.

And be it further enacted,

[SECT. 2.] That upon complaint made to any justice of the peace for any of the counties in this province, respectively, that any taverner or innholder doth refuse to receive and entertain any of his majesty's forces as aforesaid, such justice shall forthwith make enquiry into the grounds of such complaint, and shall thereupon, within two hours, determine and order how many of such forces shall be received into the house or outhouses of such taverner or innholder, and how many shall be furnished with diet and small beer; and every taverner or innholder refusing or neglecting to receive and entertain such and so many of the forces, shall for each offence forfeit and pay the sum of ten pounds sterling.

Complaint made against any taverner, innholder, &c.

Penalty.

And be it further enacted,

[SECT. 3.] That when and so often as, during the continuance of this act, any of his majesty's regular forces shall, for the defence of his dominions, or for prosecuting measures against his majesty's enemies, be ordered into any town or towns within this province, it shall and may be lawful for the governo[u]r, with the advice of the council, to appoint, authorize or impower any person or persons to agree for and take up such and so many houses and buildings in or near such town or towns as shall be judged sufficient and necessary, together with the barracks already provided at Castle William, to receive and accommodate the whole number of forces that may be so ordered; or if need be, to impress so many uninhabited tenements in or near such town or towns as shall be necessary as aforesaid, and also to provide such barrack utensils and necessaries as shall be judged reasonable, the charge thereof to be advanced and paid out of the public[k] treasury, and an account thereof to be transmitted to the general of his majesty's forces for a reimbursement, or to the agent of the province in England, in order to his solliciting the repayment of the same.

Governor with the advice of the council to authorize persons to provide quarters for his majesty's forces in any town.

Limitation.

[SECT. 4.] This act to be and continue in force from the thirteenth day of October instant, to the last day of March, one thousand seven hundred and fifty-nine, and no longer. [*Passed October* 12; *published October* 14.

CHAPTER 9.

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS OF THIS PROVINCE FOR THE REGULATING THE MILITIA.

Preamble.

1757 68, chap. 18, § 1.

WHEREAS by law the captain or chief officer of each military foot company, and also of each troop of horse within this province are obliged to instruct and employ their respective companies and troops in military exercises on the last Monday of this instant October, and the Tuesday following the same Monday; and a great number of the soldiers being gone into the war, and probably will not be returned before said days,—

Be it therefore enacted by the Governo[u]r, Council and House of Representatives,

That no captain or chief officer of any foot company or troop of horse shall be held and obliged to call together, instruct or employ his company or troop in military exercises on the last Monday of this instant October or on the Tuesday following said Monday, and no foot soldier nor trooper shall be liable to any penalty for not appearing in arms on either of those days, respectively. [*Passed and published October* 14.

Captains or chief officers of the militia exempted from mustering their companies.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-NINTH DAY OF DECEMBER, A. D. 1758.

CHAPTER 10.

AN ACT TO ENABLE CREDITORS TO REC[IE][*EI*]VE THEIR JUST DEBTS OUT OF THE EFFECTS OF THEIR ABSENT OR ABSCONDING DEBTORS.

Preamble.
1748-49, chap. 6. 1753-54, chap. 28. 14 Mass., 160.

FOR the better preventing of frauds and deceit, too often designed and practiced by ill-minded debtors, in betrusting and depositing their goods and effects in the hands of others with intent to reserve and secure them to their own use and defeat their creditors of their just dues, absconding or withdrawing themselves out of this province, or not being within this province or to be come at, and their goods and effects concealed so as they cannot be attached and made liable to the payment of their creditors by the ordinary process of law,—

Be it enacted by the Governour, Council and House of Representatives,

Goods and effects of absconding debtors to be attached.
16 Mass., 323.

[SECT. 1.] That it shall and may be lawful for any person [i][*e*]ntitled to any action of debt, detinue, account, covenant or case, in trover, *indebitatas assumsit*, or on express contract against any person absconding or absent out of this province, to cause the goods and estate of such absconding or absent person to be attached, in whose hands or possession soever the same are or may be found; and the attaching of any part thereof shall secure and make the whole that is in such person's hands liable in the law to respond the judgment to be recovered upon such process, if so much there be, and no further, and shall be subjected to be taken in execution for satisfaction thereof, or so far as the value thereof will extend, and the person in whose hands they are shall expose them accordingly.

And subject to execution.
99 Mass., 531.

And be it further enacted,

Agent, &c., of an absent debtor to be summoned to court in case no effects appear.

[SECT. 2.] That where no goods or effects of such absent or absconding person in the hands of his attorney, factor, agent or trustee shall be exposed to view or can be come at so as to be attached, it shall and may be lawful[l] to and for any person [i][*e*]ntitled to any of the aforesaid actions to file a declaration against such absent or absconding person in the clerk's office of the inferiour court of common pleas in the same county where such factor, agent or trustee lives, therein particularly setting forth his debt and damage, how and for what cause it arises, and to cause the attorney, factor, agent or trustee of such absent or absconding person to be served with a summon[*s*] out of the office, annexed to the said declaration, fourteen days before the sitting of the court, for his appearance at such court; which, being duly served, and return thereof made under the officer's hand, shall be sufficient in the law to bring forward a tr[y][*i*]al without other or further summons, unless the principal be an inhabitant or hath for some time had his residence within this province, in which case a like summons, with an

Trial thereupon to be had.

attested copy of the declaration annexed, shall also be left at his dwelling-house, lodging or place of his last and usual abode fourteen days before the sitting of the court; and such attorney, factor, agent or trustee, upon his desire, shall be admitted to defend the suit on behalf of his principal throughout the course of the law, and an imparlance shall be granted of course at two terms successively, that he may have [*an*] opportunity to notify his principal thereof, and at the third term, without special matter alledged and allowed in bar, abatement or further continuance, the cause shall peremptorily come to tr[y][*i*]al, and if judgment be rendered for the plaintif[*f*], all the goods, effects or credits of such absent or absconding person in the hands of such attorney, factor, agent or trustee, which were in his hands at the time of his being served with the summons and declaration aforesaid, to the value of such judgment, if so much there be, shall be liable and subjected to the execution granted upon such judgment for or towards satisfying the same, and, from the time of serving the summons as aforesaid, shall be liable and secured in the law in his hands to answer the same, and may not be otherwise disposed of or converted.

Two imparlances to be granted.

Goods in such agents hands subject to execution on a judgment.

Provided, nevertheless,—

And be it enacted,

[Sect. 3.] That if upon summons being served as aforesaid, the supposed attorney, factor, agent or trustee shall come into court at the first term and declare that he had not in his hands at the time of the service of such summons, any goods, effects or credits whatsoever of the absent or absconding person, and shall submit to an examination upon oath respecting the same; and if upon such examination it shall appear to the satisfaction of the justices of the court that he had not any goods, effects or credits whatsoever of the absent or absconding person in his hands at the time of his being summoned as aforesaid, then in every such case the plaintif[*f*] shall become nonsuit, and shall pay to him who was summoned as attorney, factor, agent or trustee his reasonable costs, to be taxed in common form by the justices of the court.

Proviso.

And be it further enacted,

[Sect. 4.] That if any attorney, factor, agent or trustee, being served with summons and declaration as aforesaid, shall not appear at the first term, and then either acknowledge himself to have had in his hands some goods, effects or credits of the absent or absconding person at the time of the service aforesaid, and thereupon pray that he may be admitted to defend the action, or otherwise submit himself to an examination upon oath as aforesaid, he shall be liable to pay to the pla[*i*]ntif[*f*] all such costs as shall arise upon his suit, to be taxed by the justices of the court before which the action shall be brought.

Agents not appearing at the first term, &c., liable to pay costs.

And be it further enacted,

[Sect. 5.] That in case any attorney, factor, agent or trustee, from and after the time of his being served with summons and declaration as aforesaid against his principal, being an absent or absconding person, shall transfer, remit, dispose of or convert any of the goods, effects or credits of such absent or absconding person in his hands at the time of such service, so that there shall not be sufficient to satisfy the judgment, the debt being afterwards ascertained by judgment of court, or that shall not discover, expose and subject the goods, effects or credits of such absent or absconding person[s] in his hands to be taken in execution for or towards the satisfaction of the judgment so far as what were in his hands at the time of said service will extend, shall be liable to satisfy the same of his own proper goods and estate, and as of his own debt; and a writ of *scire facias* may be taken out of the same court and served upon him as the law directs, to appear and shew cause, if

Execution to be levied on agent's proper goods and estate in case.

any he have, to the contrary, where, upon default of appearance or refusal to disclose upon his oath, which oath the justices of such court are impowered to administer, what goods, effects or credits of the absent or absconding person are in his hands, and to what value, then judgment shall be entred up against him of his own proper* goods and estate, and execution be awarded accordingly.

Agent to be put on oath.

Provided, nevertheless,—

And be it enacted,

Proviso.

[SECT. 6.] That if it shall appear that the attorney, factor, agent or trustee so summoned as aforesaid, and having in his hands at the time of such summons any goods, effects or credits of the absent or absconding person, hath not any ways remitted, disposed of or any ways converted the same after the summons being served on him as aforesaid; but that he hath discovered, exposed and subjected them to be taken in execution to satisfy the judgment recovered against the absent or absconding person as aforesaid, then the party who commenced the suit shall pay such attorney, agent, factor or trustee his reasonable costs, to be taxed in common form by the justices of the court from which the *scire facias* issued as aforesaid.

And be it further enacted,

Agent to be acquitted and discharged.

[SECT. 7.] That the goods, effects or credits of any absent or absconding person so taken as aforesaid by process and judgment of law out of the hands of his attorney, factor, agent or trustee by any of his creditors, shall fully acquit and forever discharge such attorney, factor, agent or trustee, his executors or administrators, of, from and against all actions and suits, damages, payments and demands whatsoever, to be asked, commenced, had, claimed or brought by his principal, his executors or administrators, of and for the same; and if any attorney, factor, agent or trustee shall be molested, troubled or sued by his principal for anything by him done in pursuance of this act, he may plead the general issue and give this act in evidence.

Provided, nevertheless,—

Proviso.

[SECT. 8.] That any absconding or absent person against whom judgment shall be recovered as aforesaid, shall be [i][*e*]ntitled to a review of the same at any time within three years after such recovery. [*Passed February* 13; *published February* 14, 1759.

CHAPTER 11.

AN ACT TO CONFIRM AND RENDER EFFECTUAL AN AGREEMENT BETWEEN SUNDRY PERSONS CLAIMING PROPERTY AND INTEREST IN THE COMMON AND UNDIVIDED LANDS IN A NECK OF LAND IN FRAMINGHAM, IN THE COUNTY OF MIDDLESEX.

Preamble.

WHEREAS John Pike, Joseph Bixbee, Samuel Lamb, Timothy Pike, Joseph Bixbee, Jun^{r}., Benjamin Barnard, Samuel Frost, Richard Mellin, Isaac Fisk, [*George**] Walkup, Benjamin Whitney, Mark Whitney, Daniel Haven, Nathan Carter, Abraham Pike, Joseph Buckminster, Esq$^{[r]}$., Joseph Haven, Esq$^{[r]}$., John Farrar, Moses Pike, Daniel Stone, Thomas Brown, Noah Eaton, Peter Jenison, Thomas Winch, Jun^{r}., David Haven, James Haven, Isaac Haven, Joseph Cozens, Silvanus Hemingway, Ralph Hemingway, Thomas Winch, James Haven, Jun^{r}., Ebenezer Hemingway, John Winch, Squier Haven, Micah Gibbs, Benoni Prat, Ebenezer Hagar, Ezekiel How, Jonathan Edmonds, David

* Parchment mutilated by mice.

How, Junr., Ephraim Power, Jeremiah Pike, Amos Darling, Amos Gates, Jonathan Barrett, Elias Whitney, James Mellin, William Ballard, Jonathan Maynard, Joseph Eames, Nathaniel Eames, John Bruce, Ebenezer Boutwell, Benjamin Haven, John Nurse, Jonathan Hemingway, John Haven, Benjamin Nurse, Joseph Hemingway, Jeremiah Belknap, Aaron Pike, Josiah Stone, Ebenezer Singletary, John Johnson, Martha Goddard, George Ca[*rnel**], William Pike, William Pike, Junr., Elkanah Haven, persons who claim or have claimed property and interest in the common lands on a neck of land in Framingham, have represented to this court that, in consequence of a division made of said commons in pursuance of a vote of the proprietors, many disputes and two lawsuits have arisen between divers of them; that, for an amicable termination of all suits and disputes touching the premisses, they have entred into an agreement, dated Framingham, September the eighth, one thousand seven hundred and fifty-eight, an attested copy whereof has been laid before this court, which agreement hath been also ratified by vote of the proprietors in a legal proprietors' meeting; but inasmuch as some of the claims and disputes intended to be set-[*t*]led by said agreement are of such kind as that it is doubtful[l] whether the same can be legally set[*t*]led and made binding according to the true intent of the parties by all that hath been done or can be done by any deeds of agreement, especially as some of the proprietors are minors, and such doubt and danger must greatly interrupt the quiet of the concerned, and hinder the improvement of the lands aforesaid, to the great damage of the said town of Framingham; and have thereupon prayed, that by a private act the agreement aforesaid, mutually entered into by the persons aforesaid, might be ratified and established, so as to operate according to the true intent thereof. And it being evident that if said agreement was rendered effectual and carried into execution, it would prevent many lawsuits and promote the general good of the interested in said common land[*s*],—

Be it enacted by the Governo[*u*]*r, Council and House of Representatives*,

Proprietors' agreement confirmed, &c.

[Sect. 1.] That said agreement be and hereby is established and ratified; that an exact survey be taken of all the lands in the neck aforesaid, held under Joseph Buckminster, Esq[r]., deceased, at the charge of those who hold the same, by a surveyor and chainmen mutually chosen by the possessor of those lands and the proprietors of the common lands on the neck aforesaid; and in want thereof, by a committee of three persons to be appointed by the justices of the inferiour court of common pleas for the county of Middlesex.

[Sect. 2.] That all persons holding lands on the neck aforesaid, under any grants made by the said Buckminster, be quieted in the possession of so much thereof, and no more, than the number of acres expres[s]ly mentioned in their original grants; save only that fifty acres are allowed to the owners of the six hundred acres first granted by the said Buckminster on the neck aforesaid, by equal average.

[Sect. 3.] That if it shall appear that the said Buckminster was not [i][*e*]ntitled to those six hundred acres, and the same should hereafter in consequence thereof be recovered and set out in any part of the neck aforesaid now lying in common, the then proprietors of the common lands on the neck aforesaid who shall be so evicted, may demand and recover six hundred acres of the land aforesaid granted by the said Buckminster, or the value of the lands evicted, and the same land shall be chargeable accordingly; anything herein to the contrary notwithstanding.

* Parchment mutilated by mice.

[SECT. 4.] That if, upon the survey aforesaid, it appears that any person holds more lands on the neck aforesaid under the said Buckminster, his heirs or assigns, than the number of acres expressly mentioned in the said Buckminster's original grant, such person shall either set[t] the same off in a regular form in one [i][*e*]ntire peice, and resign the same to the proprietors aforesaid, or pay them the value thereof, exclusive of the improvements made thereon, upon an appraisement made by three persons mutually chosen and appointed by him and the proprietors aforesaid; and in want thereof, by a committee of three persons to be appointed by the justices of the inferio[*u*]r court of common pleas for the county of Middlesex.

Joseph Buckminster, Esq., to release his right in said neck.

[SECT. 5.] That Joseph Buckminster of Framingham, Esq[r]., release to the proprietors of the common lands aforesaid on the neck, all the right and interest that he now hath in the neck aforesaid, and the same is remi[s][*tt*]ed to them accordingly.

Division into lots confirmed.

[SECT. 6.] That the division of the lands on the neck aforesaid into lots, made by the proprietors aforesaid, be confirmed, and that the residue of the lands there belonging to the proprietors, be laid out into such lot[t]s as may best accom[*m*]odate the proposed division.

Grants made by the proprietors heretofore confirmed, &c.

[SECT. 7.] That the grants heretofore made by the proprietors aforesaid of lot[t]s number fifteen and number sixteen in the river range to Joseph Haven, Esq[r]., and also the two fifteen acre lot[t]s sold by said proprietors' committee to Benjamin Burnap, Jun[r]., be and hereby are confirmed to them and their heirs; and that all the other draughts of lot[t]s made by the aforesaid proprietors be void and of no effect; and that there be a new draught of all the lots, except the four lot[t]s aforesaid.

Owners of lands held under Thomas Danforth, Esq., considered as proprietors, &c.

[SECT. 8.] That the owners of all the lands in Framingham leased by Thomas Danforth, Esq[r]., deceased, be considered as proprietors of the common lands on the neck aforesaid; that each proprietor subscribing to said agreement draw a share thereof in proportion to the number of acres mentioned in the original title deed or the quantity found by a survey made at his own cost, at his own election; and the six hundred acres aforesaid, and also the six hundred acres adjo[y][*i*]ning to Sudbury line, containing Nobscot and Doeskin Hill, mentioned in said Danforth's lease to the aforesaid Joseph Buckminster, Esq[r]., deceased, shall also draw an equal share with the other lands, and such draughts shall be and remain to and for the use of the person or persons to whom the same belongs; but the other lands on the neck aforesaid, conveyed by the said Joseph Buckminster, Esq[r]., dece[*ase*]d, shall not draw any share in the division of the commons aforesaid.

Charges already arisen how to be paid.

[SECT. 9.] That the charges already incurred in bringing forward a division of the commons aforesaid, and the grants heretofore made by the proprietors to reimburse those charges, be allowed and paid by the whole propriety.

Dispute between Joseph Buckminster and Francis Brindley, Esqs., not to be affected.

[SECT. 10.] That nothing in the foregoing shall be construed to affect the dispute that is or may be between Joseph Buckminster, Esq[r]., and Francis Brindley, Esq[r]., who shall be [i][*e*]ntitled to the share or proportion of the commons that the lands sold by the same Buckminster and others to the said Brindley shall draw; and if that dispute shall be finally set[*t*]led in favour of the said Buckminster, so that he should hold such draughts, then the said Buckminster shall allow for the twenty acres sold to James Newton, otherwise, that the said Newton shall hold his measure, anything herein to the contrary notwithstanding.

Allowance to be made by Joseph Buckminster, Esq., in case.

[SECT. 11.] That the several clauses of this act shall operate according to the true intent of said agreement: and that all proprietors in common in said lands and persons claiming right with them, or to

any share of commonage therein, their heirs and assigns, shall and hereby are bound by the settlement aforesaid as established by this act, and according to the true intent and meaning thereof, any legal incapacity of any such proprietor or claimant, and any defect in the executing said agreement or proceedings in such proprietary meetings notwithstanding. [*Passed February* 13; *published February* 14, 1759. Operation of this act.

CHAPTER 12.

AN ACT FOR ERECTING THE SECOND PRECINCT IN THE TOWN OF HADLEY, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT, BY THE NAME OF AMHERST.

Whereas the inhabitants of the second precinct in the town of Hadley, in the county of Hampshire, have petitioned this court, setting forth sundry difficulties they labour under by means of their not being a district, and praying they may be so erected,— Preamble.

Be it therefore enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That the said second precinct in Hadley, according to its present known bounds, be and hereby is erected into a sep[a][e]rate and distinct district by the name of Amherst; and that the inhabitants thereof do the duties that are required, and enjoy all privileges that towns do or by law ought to enjoy in this province, that of sending a representative to the general assembly only excepted; and that the inhabitants of said district shall have full right to join with the inhabitants of the said town of Hadley in electing a representative annually, and shall be notified of the time and place of election with the inhabitants of the said town of Hadley, by a warrant from the selectmen of Hadley directed to the constable of said district, requiring him to warn the inhabitants of said district to attend the meeting for that purpose at the time and place by them assigned, which warrant shall be seasonably returned by said constable; and the representative may be chosen indifferently out of said town or either of the districts, his pay and allowance to be born by the town of Hadley and the said districts, in the proportion that they respectively pay to the province tax. Second precinct in Hadley erected into a separate district. Powers thereof.

And be it further enacted,

[Sect. 2.] That Isaac Ward, Reuben Ingraham, Phillip Ingraham, Isaac Hubbard, and Edward Elmor, and their respective estates lying within the bounds of the tract of seventeen hundred and seventy-seven acres petitioned for, and adjoining to the said second precinct line, be and hereby are annexed to the said district, there to enjoy privilege and do duty. Persons and estates annexed to said district.

And be it further enacted,

[Sect. 3.] That Timothy Dwight, Esq[r]., be and hereby is directed and impowered to issue his warrant, directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district qualified to vote in town affairs, to assemble at some suitable time and place to choose such officers as are necessary to manage the affairs of said district: *provided, nevertheless*, the inhabitants of said district shall pay their proportionable part of all such town, county, and province charges as are already assessed in like manner as tho' this act had not been made. [*Passed February* 13; *published February* 14, 1759. Power for calling a meeting. Proviso.

CHAPTER 13.

AN ACT FOR INCORPORATING THE INHABITANTS OF THE WEST WING OF RUTLAND, IN THE COUNTY OF WORCESTER, INTO A PRECINCT.

Preamble.

WHEREAS the inhabitants of the West Wing of Rutland, in the county of Worcester, have represented to this court the great difficulties and inconvenienc[*i*]es they labour under in their present situation, and have earnestly requested that they may be incorporated into a precinct; therefore,—

Be it enacted by the Governo[u]r, Council and House of Representatives,

West wing of Rutland incorporated as a precinct.

[SECT. 1.] That the inhabitants of that tract of land in the town of Rutland, in the county of Worcester, called the West Wing, be, and they hereby are, incorporated as a precinct, and shall have and enjoy all the rights, priviledges and immunities which by law precincts have heretofore been vested with; and that the said inhabitants, or the major part, be, and they hereby are, authori[s][*z*]ed and enabled to elect, appoint and pay a schoolmaster for the instruction and education of the children of the said inhabitants, as also to elect, appoint and pay a surveyor or surveyors of the highways within said precinct.

And be it further enacted,

Power to make assessments.

[SECT. 2.] That the said inhabitants, or the major part of them, be, and they hereby are, authori[s][*z*]ed and impowered to assess the inhabitants of the said West Wing in such sum or sums of money as they or the major part of them shall deem sufficient to defrey all the charges and expences of the said precinct.

And be it further enacted,

Power for calling a meeting.

[SECT. 3.] That John Murray, Esq., be, and he hereby is, impowered to issue his warrant to some principal inhabitant of the said precinct, requiring him, in his majesty's name, to warn and notify the said inhabitants to meet together at such time and place in said precinct as by said warrant shall be appointed, to choose such officers as may be necessary to manage the affairs of said precinct. And the inhabitants being so met, shall be, and hereby are, impowered to choose precinct officers accordingly. [*Passed February* 13; *published February* 14, 1759.

CHAPTER 14.

AN ACT TO PREVENT A MULTIPLICITY OF LAWSUITS.

Preamble.

1742-43, chap. 25. 1754-55, chap. 5.

WHEREAS of late it hath been the practi[s][*c*]e of some of the sheriffs, undersheriffs, or their deputies, within this province, to receive from some of the justices of the peace and the clerks of the courts within the respective counties blank writ[t]s, and then fill them up and serve them, and sometimes appear by virtue of a power of attorney to pursue the same; which practice has a tendency very much to increase the number of lawsuits, and to a partial administration of justice; for remedy whereof,—

Be it enacted by the Governour, Council and House of Representatives,

No sheriff, &c., to presume to fill any writ or give advice and assistance except in certain cases.

[SECT. 1.] That no sheriff, undersher[r]iff, or deputy sheriff within this province, from and after the tenth day of February, 1759, shall presume to draw or fill up any writ[t] for any matter or thing whatsoever, triable before any of his majesty's justices of the peace or courts

of record within this province, or be any ways of advice or assistance therein, unless in cases where he or they are concerned as plaintiff; and in case it appears to the justice or court to whom such writ is returned, that any writ was so drawn or filled up as aforesaid, such justice or court shall dismiss the same and allow costs for the defendant.

And be it further enacted,

No sheriff, &c., to appear as an attorney, &c.

[Sect. 2.] That no appearance of any sheriff, his undersheriff or deputy, before any justice of the peace or court of record, by virtue of a power of attorney, shall be allowed good to any intent or purpose whatsoever, in the county where he is an officer, except where the party giving the power lives out of the province, and in this case his appearance shall not be allowed if he filled the writ. [*Passed February* 13, 1759.

CHAPTER 15.

AN ACT MAKING PROVISION FOR THE QUARTERING AND BILLETING RECRUITING OFFICERS AND RECRUITS IN HIS MAJESTY'S REGULAR FORCES EMPLOYED FOR THE PROTECTION AND DEFENCE OF HIS MAJESTY'S DOMINIONS IN NORTH AMERICA.

Be it enacted by the Governour, Council and House of Representatives,

Recruiting officers on application to have quarters provided by the selectmen, or in default or absence of the selectmen by a justice of the peace, on public houses, who are to furnish them with diet, &c.

[Sect. 1.] That when and so often as during the continuance of this act application shall be made by any recruiting officer or officers in any of the troops that are or may be employed in his majesty's service for the protection and defence of his majesty's colonies upon the continent of North America, to any of the selectmen of any town or district within this province, or in the default or absence from the respective towns and districts of any selectmen, to any one justice of the peace for the county, inhabiting in or near such town or district, such selectmen or such justice are hereby required to quarter and billet such recruiting officers, and such recruits in his majesty's service, in any of the publick houses within such town or district licenced for the selling within doors wine, rum or other strong liquors by retail; and the officers and soldiers so quartered and billeted as aforesaid shall be received and furnished with diet and small beer by the occupiers of such licenced houses in which they may be quartered and billeted, payment and allowance to be made therefor by such recruiting officers as shall demand quarters as follows; viz[t]., for one commission officer of foot, under the degree of a captain, for his diet and small beer, per diem, one shilling sterling, and so in proportion for part of a day; and if such officer shall have an horse or horses, for each such horse or horses, for their hay, per diem, sixpence sterling, and for each foot soldier and each recruit his diet and small beer, fourpence sterling per diem, and so in proportion for part of a day.

Rates for billeting, &c.

Soldiers may be accommodated at houses taken up for that purpose in case.

1758-59, chap. 8, § 3.

[Sect. 2.] And in case there should be any house or houses already taken up in any town or towns and suitably furnished with barrack utensils and necessaries to accommodate his majesty's troops, agreeable to an act passed in the thirty-first* year of his majesty's reign, [e][i]ntituled "An Act providing for the reception and accommodation of his majesty's forces within this province," that in this case the selectmen or justices of said town or towns, instead of quartering said soldiers upon the taverners or innholders of such town or towns, shall accommodate them with barrack utensils and other necessaries of billeting at such house or houses so taken up, anything contained in this act to the contrary notwithstanding.

* Thirty-second: the act was passed October 12, 1758.

Provided, also,—

And be it further enacted,

Persons aggrieved, to whom to apply and in what way and manner they shall be relieved, &c.

[SECT. 3.] That in case any person shall find himself aggrieved in that any selectm[e][*a*]n has quartered or billeted in his house a greater number of soldiers than he ought to bear in proportion to his neighbours, and shall complain thereof to one or more justice or justices of the peace for the county where such soldiers are quarter[ed][*ing*], or in case such soldiers shall have been quartered by a justice of the peace, then on complaint made to two or more justices of the peace for the county, such justices, respectively shall have and hereby have power to relieve such person by ordering such and so many of the soldiers to be removed or quartered upon such other person or persons as they shall see cause; and such other person or persons so licenced shall be obliged to receive such soldiers accordingly.

And be it further enacted,

Penalty for any selectman or justice of the peace refusing or neglecting to quarter officers and soldiers, or that shall receive a reward, &c.

[SECT. 4.] That if any selectman or justice of the peace shall neglect or refuse for the space of four hours to quarter or billet such officers or soldiers, when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of any recruiting parties, or shall receive, demand, contract or agree for any sum or sums of money, or any reward whatsoever, for or on account of excusing or in order to excuse any person or persons whatsoever from quartering or receiving into his, her or their house or houses any such officer or soldier, or in case any occupier of any publick licenced house liable by this act to have any officer or soldier bil-[l]et[*t*]ed and quartered on him or her, shall refuse to receive and victual any such officer or soldier so quartered and billeted upon him or her as aforesaid according to the directions of this act, and shall be thereof convicted before two justices of the peace for the county where such offence shall be committed, one of which justices to be of the quorum either by his or her own confession, or by the oath of one or more credible witness or witnesses, every person so offending shall forfeit to his majesty for every such offence the sum of five pounds sterling or any sum of money not exceeding five pounds sterling nor less than forty shillings sterling, as the said justices before whom the matter shall be heard shall in their discretion think fit, to be levied by distress and sale of the goods of the person offending, by warrant under the hands and seals of the justices before whom such offender shall be convicted, to be directed to the sheriff of the county, his deputies, or any constable of the town where the offender shall dwell, such fine or forfeiture to be paid into the province treasury and to be applied to the publick charges of this government.

Or occupier of any publick house who shall refuse or neglect to quarter officers and soldiers.

To be levied by distress.

Applied to the charges of the government. Limitation.

[SECT. 5.] This act to be and remain in force, from and after the twenty-ninth day of January, one thousand seven hundred and fifty-nine, to and until the first day of June, one thousand seven hundred and fifty-nine, and no longer. [*Passed January* 17;* *published February* 14,† 1759.

CHAPTER 16.

AN ACT IN ADDITION TO AN ACT INTIT[*U*]LED "AN ACT TO PREVENT FRAUD IN CORD-WOOD EXPOSED TO SALE."

Preamble. 1705-6, chap. 8, § 1.

WHEREAS in and by an act made and passed in the fourth year of her late majesty Queen Anne, intit[*u*]led "An Act to prevent fraud in cord-

* February 13, according to the record.
† January 20, according to the printed acts.

wood exposed to sale," it is enacted, "that all cord-wood exposed to sale shall be four feet long, accounting to half the carf; and the cord, being well and close laid together, shall measure eight feet in length and four feet in heig[*h*]th." Notwithstanding which, great frauds and abuses have for several years past, and still are daily committed in bringing to many towns in this province, and there exposing to sale, great quantities of firewood, commonly called cord-wood, not more than three feet or three feet and a half long, whereby the inhabitants of such towns, and especially the poor thereof, are greatly injured and defrauded, there being no penalty annexed by said law to such persons as are guilty of the breach thereof; for remedy whereof, and for preventing the like abuses for the future,—

Be it enacted by the Governo[u]r, Council and House of Representatives,

Admeasurement of cord-wood.

[Sect. 1.] That if any firewood or wood designed for fewell, commonly called cord-wood, which shall be less in length than four feet, including half the carf as aforesaid, shall, after the first day of November next, be brought by water into any towns in this province for sale, such wood shall be forfeited, two third parts thereof to the use of the poor of the town, and the other third part thereof to the sealer of wood, who shall seize the same accordingly.

Penalty.

And be it further enacted,

Selectmen to appoint meet persons to be sealers of wood, &c.

[Sect. 2.] That in every town or district within this province where wood is usually sold by the cord, the selectmen shall annually, or as occasion shall require, nominate and appoint some meet persons to be measurers and sealers of wood, who shall be sworn in like manner as other town officers to the faithful[l] and diligent discharge of their office, and the selectmen shall from time to time appoint such fees or allowance for their service as they shall judge reasonable.

And be it further enacted,

Penalty for carting or carrying wood until measured.

[Sect. 3.] That no wharfinger or carter shall, by himself or any for or under him, cart or carry any firewood or wood commonly used or intended for fewell from any wharf[*f*][e] or landing place in any town in this province, except for the proper use and consumption of such wharfinger or carter, that shall not be four feet in length, including half the carf, and until it hath been first measured by the officer appointed by the selectmen as aforesaid, on penalty of forfeiting and paying six shillings for every load of wood so carried off, and every wharfinger shall be chargeable to the officer or person appointed to measure wood as aforesaid, for his fees, if demanded, and be compelled by law to pay him the same.

Preamble.

And whereas frequent complaints are made that such of the inhabitants of the town of Boston as are poor, and usually purchase their firewood and charcoal in small quantities, are greatly defrauded in their measure, and not having the quantity bought; for preventing whereof, and for ascertaining the quantity of wood and charcoal bought,—

Be it enacted,

Carts or sleds to be marked and numbered, &c.

[Sect. 4.] That each cart or sled employed by any wharfinger or common carter belonging to the town of Boston, be so marked and numbered by the sealer of wood on some proper part of such cart or sled, as that it may thereby be seen and known what quantity of wood such cart or sled will contain and carry, and the mark and number of each cart or sled shall be registred by the town clerk of said town; and no wharfinger or carter aforesaid shall presume to carry any wood unless for his own fire, in any cart or sled that shall not have been so marked, numbered, and registred, and that shall not have at the time of such carrying the marks and number remaining visible thereon.

Provided, nevertheless, and it is the true intent and meaning of this act,—

Proviso.

[SECT. 5.] That when any person purchases a quantity of firewood for his own burning, and lands it on any wharfe or landing besides a common wharfinger's, he may employ any cart or carts to carry off the same: *saving only*, that such carter shall not carry within the town of Boston more than six feet at a time, under the penalty of six shillings for each offence. And no greater quantity than six feet shall within the town of Boston be carried at any one time; and every person offending in either of the particulars aforesaid shall forfeit and pay the sum of six shillings for each offence. And if any dispute shall arise between the buyer and seller as to the quantity of wood delivered, and the quantity bought or agreed for; and if on cording and sealing the same at the place of delivery, it shall appear there is not the quantity of wood delivered which was bought or agreed for, the seller shall pay the buyer the costs of c[ord][*art*]ing and sealing the wood the second time, as also the sum of four shillings for each offence.

Penalty.

And be it further enacted,

Admeasurement of baskets for charcoal.

[SECT. 6.] That all basket[t]s used and improved in measuring charcoal brought into any town for sale, shall contain two bushel[l]s, and be of the following dimensions; viz[t]., twenty-one inches in heighth, and nineteen inches in breadth; and every person that shall measure coal in any basket of less dimensions, shall forfeit and pay for each offence the sum of three shillings, and said basket[t] shall be destroyed: *provided, nevertheless*, that no persons shall be obliged to measure coal sold, where the quantity shall be agreed upon by the buyer and seller.

Penalty.

Proviso.

And be it further enacted,

Selectmen to appoint meet persons to seize deficient baskets for measuring charcoal, &c.

[SECT. 7.] That the selectmen of any town where coal is usually sold, or the major part of them, be and hereby are fully impowered to appoint, as occasion shall require, such meet person as they shall judge proper for seizing and securing all basket[t]s improved for measuring coal that are not of the dimensions aforesaid, and prosecute such person or persons as shall be guilty of the breach of this act.

Fines how to be recovered and applied.

[SECT. 8.] All fines and forfeitures arising on the breach of this act may be recovered by bill, plaint or information in any court of record or before any of his majesty's justices of the peace, according to the nature of the offence; one moiety thereof shall be for the informer, and the other moiety for the use of the poor of the town where the offence shall be committed.

Limitation.

[SECT. 9.] This act to be in force for three years from and after the first day of November next, and to the end of the then next sitting of the general court, and no longer. [*Passed February* 13; *published February* 14, 1759.

CHAPTER 17.

AN ACT IN FURTHER ADDITION TO AN ACT INTIT[*U*]LED "AN ACT FOR EXPLANATION OF AND SUPPLEMENT TO AN ACT REFERRING TO THE POOR," &c.

Preamble.
1740-41, chap. 20, 1741-42, chap. 4, 1749-50, chap. 16.

WHEREAS it sometimes happens that considerable charges arise to some towns in this province by means of their being obliged to take care of lew[e]d women at their lying-in with bastard children, and for nursing and taking care of such bastard children,—

Be it therefore enacted by the Governour, Council and House of Representatives,

Selectmen, &c, to bind lewd women to service.

[Sect. 1.] That it shall and may be lawful for the selectmen or overseers of the poor of any town within this province, with the assent of two justices of the peace, to bind out to service for a term not exceeding five years, any unmarried woman who shall hereafter be delivered of a bastard child, and who during her lying-in shall have been supported, with her child, at the charge of such town, or whose bastard child shall become a town charge before it arrive at the age of five years, and who shall be unable or shall refuse to reimburse or procure the reimbursement of such charge or expence.

Preamble.

And whereas there frequently happens in the several counties through this province many failures both on the part of masters and mistresses, and on the part of indented servants, in the performance of their respective covenants or duties, as expressed in their indentures or deeds of covenant whereby said servants are bound, and many injuries may be committed by masters or mistresses to bound-servants, as well as by such servants to their respective masters and mistresses, which require a summary and speedy method of redress,—

Be it further enacted,

General sessions empowered to take cognizance on the complaints of the overseers of the poor or selectmen, relating to the deficiency of masters and mistresses towards their servants.

[Sect. 2.] That it shall and may be lawful for the courts of general sessions of the peace for the respective counties, upon complaint or representation made by the overseers of the poor or selectmen of any town in such county, or by the overseers appointed for the county where any indented, bought, or any way legally bound, servant or apprentice shall not be within any town or district, that any such servant or apprentice have been abused or evil treated by their masters or mistresses, or that the education of such children in reading or writing and cyphering, according to the tenor of their indentures, has been unreasonably neglected, to take cognizance of such representation or complaint, and if upon [i] [*e*] nquiry there shall appear to have been just cause therefor, such master or mistress shall forfeit a sum not exceeding five pounds, for the use of the poor of the town or district where such master or mistress shall then be an inhabitant, to be levied by distress and sale of his or her goods, by warrant to be issued by order of the court aforesaid; and the said court may order such child or children to be liberated or discharged from their masters or mistresses, and any male so discharged being under the age of twenty-one years, and any female under the age of eighteen years, may, by order of such court, be bound to other persons until they arrive to the age of twenty-one or eighteen years, respectively; and if such representation shall not be sufficiently supported or proved, the same shall be dismissed; and no fee shall be allowed or taken by said court for the entry of such representation or complaint, or any process thereon.

Penalty.

Sessions' power of binding servants after they have been liberated, &c.

And be it further enacted,

In case of the elopement, &c., of servants, on complaint of their masters or mistresses, general sessions empowered to order satisfaction.

Proviso.

[Sect. 3.] That if any apprentice or servant shall elope or desert the service to which he or she is or shall be bound as aforesaid, and damage accrue thereby to the master or mistress of such servants, it shall and may be lawful for the justices of the court of sessions, upon application made to them, to order satisfaction to be made by such servant or apprentice, to his or her master or mistress, either by service or otherwise, as to them shall seem meet: *provided*, that if any apprentice or servant shall, during the present war, inlist and actually go into his majesty's service, he shall not for such inlistment be deemed a deserter from the service of his master or mistress, nor be held to make satisfaction as aforesaid.

Limitation.

[Sect. 4.] This act to be and continue in force until the fifteenth day of February, one thousand seven hundred and sixty-four, and no longer. [*Passed February* 13; *published February* 14, 1759.

CHAPTER 18.

AN ACT PROVIDING THAT THE SOLEMN AFFIRMATION OF THE PEOPLE CALLED QUAKERS SHALL IN CERTAIN CASES, BE ACCEPTED INSTEAD OF AN OATH IN THE USUAL FORM.

Preamble. 1743–44, chap. 29. 1747–48, chap. 6.

WHEREAS the people called Quakers profess to be, in their consciences, scrupulous of taking an oath in the form by law required,—

Be it therefore enacted by the Governo[u]r, Council and House of Representatives,

Quakers permitted to make affirmation.

[SECT. 1.] That from and after the tenth day of February, one thousand seven hundred and fifty-nine, every Quaker within this province who shall be required upon any lawful occasion to take an oath where, by law, an oath is required, shall, instead of the usual form, be permitted to make his, or her, solemn affirmation or declaration in the words following; viz[t].,—

Form of affirmation.

I, A. B., do solemnly and sincerely affirm and declare, under the pains and penalties of perjury.

—which said solemn affirmation or declaration shall be adjudged and taken,—

And it is hereby enacted and declared,

Affirmation to be of force and effect, &c.

[SECT. 2.] To be of the same force and effect, to all intents and purposes, in all courts of justice and other places where by law an oath is required within this province, as if such Quaker had taken an oath in the usual form.

And be it further enacted,

False affirmation to be deemed perjury.

[SECT. 3.] That if any Quaker making such solemn affirmation or declaration shall be lawfully convicted, wilfully, falsely, and corruptly to have affirmed or declared any matter or thing which, if the same had been in the usual form, would have amounted to wilful [l] and corrupt perjury, every such Quaker so offending shall incur the same penalties and forfeitures as, by the laws of this province, are enacted against persons convicted of wilful and corrupt perjury.

Provided, always,—

And be it enacted,

Proviso.

[SECT. 4.] That no Quaker or reputed Quaker shall by virtue of this act be qualified or permitted to serve on any jury in any of the courts within this province (without taking the oath by law required, except in civil causes only; and in such causes such persons shall be liable to serve as a juror on taking the affirmation aforementioned, and on refusing to take the same, shall be subjected to the same fine that others are, by law, subjected to for not serving as jurors) nor bear any office in this government where an oath is, by law, required to qualify a person for the discharge of such office, except in town offices only, and in such case not to serve as an assessor or collector for any rate or tax to be made for the support of the minister or ministers in any town, or for building or repairing of any house for the public worship of God within the same.

And be it further provided and enacted,

In case the majority of assessors or collectors chosen being Quakers, towns empowered to choose other persons, &c.

[SECT. 5.] That where one-half or more of the assessors or collectors of any town shall be of the people called Quakers, such of the inhabitants of said town who are not Quakers may and shall at the same meeting at which such assessors or collectors, being Quakers, are chosen, proceed to the choice of an equal number of other persons who are not Quakers; and such assessors or collectors so chosen shall be as fully qualified by themselves, where the whole number of the first-chosen as-

sessors are Quakers, or together with the other assessors who are not Quakers, when any such there be, to make rates and taxes for the settlement and support of the ministry, and for building and repairing any house or houses for the public worship of God within such town, and for no other purposes; and such collector shall be as fully impowered to collect the same as they, the said assessors and collectors, would have been had no other assessors or collectors been before chosen: and any assessor or collector so chosen shall be liable to the same penalty for refusing to serve in their respective office as he would have been had he been chosen and refused to serve as assessor or collector of all the rates and taxes in said town.

[Sect. 6.] This act to continue and be in force for the space of five years from the tenth day of February, one thousand seven hundred and fifty-nine. [*Passed February* 13; *published February* 14, 1759. Limitation.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-EIGHTH DAY OF FEBRUARY, A. D. 1759.

CHAPTER 19.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

We, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessning the public debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandizes that shall be imported into this province, and tonnage of shipping, hereafter mentioned; and pray that it may be enacted, —

And be it accordingly enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That from and after the twenty-sixth day of March, one thousand seven hundred and fifty-nine, to the twenty-sixth day of March, one thousand seven hundred and sixty, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several rates and duties of impost following; viz^t., —

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum, containing one hundred gallons, eight shillings.

For every hogshead of sugar, fourpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, one shilling.

—And so, proportionably, for a greater or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings value: excepting such goods as are the product or manufacture of Great Britain.

[SECT. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize (excepting tea, which shall pay only one shilling), that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessell to them belonging, on the proper account of any of the said inhabitants of the said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided always*, that everything which is the growth or produce of the provinces or colonies aforesaid (tobacco and bar-iron ex-

cepted), and all provisions, salt, cotton-wool, pig-iron, mohogony, brazilleto, black-walnut, lingum-vitee, red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemn'd in this province, are and shall be exempted from every the rates and duties aforesaid.

And be it further enacted,

[Sect. 3.] That all goods, wares and merchandize, the property of any of the inhabitants of any of the neighbouring provinces or colonies on this continent, that shall be imported into this province, and shall have paid, or * which there shall have been secured to be paid, the duty of impost, by this act provided to be paid, and afterwards shall be exported and landed in any of the said provinces or colonies on this continent, then, and in such case, the exporter, producing a certificate from some officer of his majesty's customs, that the same have been landed in some of the provinces or colonies aforesaid, shall be allowed a drawback of the whole duty of impost by him paid, or secured to be paid, as by this act provided.

And be it further enacted,

[Sect. 4.] That the master of every ship or vessell coming into this province from any other place, shall, within twenty-four hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner aforesaid, of the contents or loading of such ship or vessell, therein particularly expressing the species, kind and quantities of all wines, liquors, goods, wares and merchandize imported in such ship or vessell, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessell, so far as he knows or beleives; and that if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessell, and imported therein, he will forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

[Sect. 5.] That if the master of any ship or vessell shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessell to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

[Sect. 6.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make an entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in form following; viz^{t}.,—

You, A. B., do swear that the entry of the goods and merchandize by you now made, exhibits the sterling value of said goods, and that, *bonâ fide*, according to your best skill and judgment, it is not less than that value. So help you God.

—which oath the commissioner or receiver, appoint'd in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay to the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessell in which the same shall be imported.

* *Sic.*

[SECT. 7.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharff, or in any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessell out of which the same shall be landed or put into any warehouse or other place.

[SECT. 8.] And if any person or persons shall not have and produce an invoice of the quantities of rum or liquors to him or them consigned, then the casks wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

[SECT. 9.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessell shall not exceed six pounds: which credit shall be so limited as that he shall settle and ballance his accompts with every person, on or before the twenty-sixth day of March, one thousand seven hundred and sixty, that the said accompts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings the said commissioner shall not demand anything, and not more than sixpence for any other single entry to what value soever.

And be it further enacted,

[SECT. 10.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-sixth day of March, one thousand seven hundred and fifty-nine, and untill the twenty-sixth day of March, one thousand seven hundred and sixty, by land-carriage, or in small vessells or boats, shall make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed or put into any store or place whatsoever.

And be it further enacted,

[SECT. 11.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage. *provided*, such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessell shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 12.] And if it may be made to appear that any wine imported in any ship or vessell be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

And be it further enacted,

[SECT. 13.] That the master of every ship or vessell importing any liquors, wines, goods, wares or merchandize, shall be liable to pay

the impost for such and so much thereof, contained in his manifest, as shall not be duly enter'd, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessell, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessell, untill he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and untill he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, untill the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wine, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

[Sect. 14.] That the commissioner or receiver of the impost in each port, shall be and hereby is impowered to sue the master of any ship or vessell, for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not enter'd and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

[Sect. 15.] That the 'ship or vessell, with her tackle, apparell and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not enter'd as aforesaid, or for which the duty of impost hath not been paid; and, upon judgment recovered against such master, the said ship or vessell, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impower'd to make seizure of the said ship or vessell, and detain the same under seizure untill judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutors or informer, such ship or vessell and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessell from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto his owner, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

[SECT. 16.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessell, outward bound, untill he shall be certified, by the commissioner or receiver of the impost, that the duty and impost for the goods last imported in such ship or vessell are paid or secured to be paid.

[SECT. 17.] And the commissioner or receiver of the impost is hereby impower'd to allow bills of store to the master of any ship or vessell importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessell, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

And for the more effectual preventing any wines, rum or other distill'd spirits being brought into the province from the neighbouring governments, by land, or in small boats or vessells, or any other way, and also to prevent wines, rum or other distill'd spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost,—

Be it enacted,

[SECT. 18.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impower'd and enjoin'd to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are also impowered to search, in all suspected places, for such wines, rum or distilled spirits or tea brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided.

And be it further enacted,

[SECT. 19.] That the commissioner or his deputies shall have full power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

And be it further enacted,

[SECT. 20.] That if the said commissioner, or his deputy, shall have information of any wines, rum or other distill'd spirits, or tea, being brought into and landed in any place in this province, for which the duties aforesaid shall not have been paid after their being brought into or relanded in this government, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said commissioner or his deputy's making oath that he hath had information as aforesaid; and having such warrant, and being attended by such officer, the said commissioner or his deputy may, in the daytime, between sunrising and sun-setting, demand admittance, of the person owning or occupying such place, and, upon refusal, shall have right to break open such place; and, finding such liquors or tea, may seize and take the same into his own custody; and the commissioner aforesaid, or his deputy, shall be and hereby is impower'd to command assistance, and impress carriages necessary to secure the liquors or tea seized as aforesaid; and any persons refusing assistance, or preventing any of

the said officers from executing their office, shall forfeit five pounds to the said commissioner; and he or his deputy shall make reasonable satisfaction for the assistance afforded, and carriages made use of, to secure the liquors or tea seized as aforesaid; and the commissioner or his deputy shall then file an information of such seizure in the inferiour court of common pleas for the county wherein such seizure shall be made, which court shall summon the owner of such liquors or tea, or the occupier of such shop, house or warehouse, or distill-house, where the same were seized, to appear and shew cause, if any he has, why such liquors or tea so seized shall not be adjudged forfeited, and if such owner or occupier shall not shew cause as aforesaid, or shall make default, the said liquors or tea shall be adjudged forfeited, and the said court shall order them to be sold at public vendue; and the nett produce of such sale shall be paid, one half to the province treasurer for the use of this province, and the other half to the said commissioner.

And be it further enacted,

[Sect. 21.] That there shall be paid, by the master of every ship or other vessell, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (except such vessells as belong to Great Britain, the provinces or colonies of Pensylvania, West and East Jersey, Connecticutt, New York, New Hampshire and Rhode Island), every voyage such ship or vessell doth make, one pound of good pistol-powder for every ton such ship or vessell is in burden: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments, which is hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the uses and ends aforesaid.

[Sect. 22.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessell, to take the exact measure or tonnage thereof, in case he shall suspect the register of such ship or vessell doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessell, before she shall be cleared, in case she shall appear to be of a greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer, in his accompts. And the naval officer shall not clear any vessell, untill he be certified, also, by the commissioner, that the duty of tonnage for the same is paid, or that it is such a vessell for which none is payable according to this act.

And be it further enacted,

[Sect. 23.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which shall have been paid agreeable to this act, shall be reshipped and exported from this government to any other part of the world, that then, and in every such case, the exporter of such wine, or rum or tea shall make oath, at the time of shipping, before the receiver of impost, or his deputy, that the whole of the wine, or rum or tea so shipp'd has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government,—or otherwise, in case such rum, or wines or tea shall be exported to any place where there is no officer of the customs, or to any foreign port, the master of the vessell in which the same shall be exported shall make oath that the same has been landed out of the government,—and the exporter shall, upon producing such certificate, or upon such oath of the master, make oath that he verily beleives no part of said wines, rum or tea has been re-landed in this province,—such exporter shall be allowed a drawback from the receiver of impost as follows; viz^{t}.,—

For every pipe of wine, nine shillings.
For every hogshead of rum, seven shillings and sixpence.
And for every pound of tea, one shilling.
Provided, always,—

[SECT. 24.] That if, after the shipping of such wines, or rum or tea to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wine, or rum or tea so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such rum, wine and tea so relanded and brought again into this province, shall be forfeited and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

[SECT. 25.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereto, to receive commission from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and tunnage of shipping as aforesaid that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessell, so that the duties of impost and tonnage arising on the said vessell may appear; and the same to lye open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver and his deputy or deputies, before their entering upon the execution of their said office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from ten o'clock in the forenoon, untill one in the afternoon.

[SECT. 26.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary, for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accompts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

[SECT. 27.] That all penalties, fines and forfeitures accruing and arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no esoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

[SECT. 28.] That from and after the commencement of this act, in all causes wherein any claimer shall appear, and shall not make good

the claim, the charges of prosecution shall be born and paid by the said claimer, and not by the informer. [*Passed March* 28; * *published March* 22, 1759.

CHAPTER 20.

AN ACT IN FURTHER ADDITION TO THE SEVERAL LAWS NOW IN BEING FOR THE MORE SPEEDY FINISHING THE LAND-BANK OR MANUFACTORY SCHEME.

Preamble. 1748-49, chap. 16. 1754-55, chap. 24.

WHEREAS, notwithstanding the several laws made for bringing the Land-bank or Manufactory Scheme to a conclusion, yet, by reason of the death of some of the late partners in said scheme, the insolvency of others, the removal of divers of them out of the province, after their having sold their real estates, the difficulties that have occurred in making sale of the real estates that have been taken in execution, together with the last assessment, which was lodged in the secretary's office, being rend[e]red invalid, this affair as yet remains unset[t]led, to the great damage of all concerned; *and whereas*, an account has been taken, in consequence of a law pass[*e*]'d at the session of the general court in March last, of all the manufactory bills outstanding, amounting to about nine hundred and ninety-five pounds in those bills, to the end that an assessment might be made for the drawing in said bills forthwith, and thereby putting a stop to the interest growing thereon,— 1757-58, chap. 28.

Be it therefore enacted by the Governour, Council and House of Representatives,

Commissioners appointed in the room of John Jeffries and John Chandler, Esqs.; and their power.

[SECT. 1.] That Thomas Goldthwait and Nathan[i][*a*]el Hatch, Esq[rs]., be commissioners in the room of John Jeffries, Esq[r]., who has resigned, and of John Chandler, Esq[r]., who declined attendance on this service soon after his appointment to receive commission from the governour, and the said commissioners, with Samuel Danforth, Esq[r]., or any two of them, after the said Thomas Goldthwait and Nathan[i][*a*]el Hatch have been duly sworn as the law directs, shall, by virtue of this act, have as full power in all respects as the commissioners heretofore by law appointed for adjusting and settling the affairs of that scheme were vested with, and they are hereby authorized and directed, as soon as may be, to make an assessment of three thousand pounds, lawful money, on such of those persons mentioned in a list printed in the supplement to the "Boston Gazette," one thousand seven hundred and forty-five, as are now living within this province, whom they shall judge of ability as to estate, forthwith to pay what they shall be assessed, and to proportion the same among them as agre[e]able to the rules heretofore observed by the commissioners as may be, and the assessment so made the said commissioners shall immediately after the making thereof cause to be published in the Boston weekly newspapers, that so every person concerned may have the knowledge thereof, and have opp[u][*o*]rtunity to pay the sum assessed on them respectively to the commissioners; and if any person so assessed shall neglect payment [by] [*for*] the space of thirty days next after the publication thereof, the said commissioners shall forthwith issue their executions against such delinquent and their estates; which execution shall be in the form following; viz[t].,—

* In the governor's handwriting.

Form of the execution.

Province of the Massachusetts Bay, } Esq^rs., Commissioners for the more speedy finishing the Land-Bank or Manufactory Scheme.

To the sheriff of the county of , his under-sheriff or deputy. Greeting:

Whereas on the day of an assessment was made by us on divers of the late directors and partners in said scheme, and afterwards published in the public newspapers in Boston agre[e]able to law, since which more than thirty days have elapsed, in which A. B. of C., in the county of E., a late partner in said scheme was assessed the sum of , as his part or proportion; and altho' public notice has been given of said assessment as aforesaid, yet the said A. B. has neglected to pay the same to us. You are therefore hereby required, in his majesty's name, to levy of the monies of the said A. B. the sum of or of his goods and chatt[le][*el*]s to the value thereof, and pay the same to us within thirty days coming, and for want of such money or goods and chatt[le][*el*]s to the value thereof, when sold at an outcry, to be by him shewn unto you or found within your precinct, you are hereby commanded to apprehend the body of the said A. B., and him commit unto his majesty's goal in and the keeper thereof is hereby commanded to receive the said A. B. into the said goal, and him safely keep until[l] he shall pay the full sum aforesaid, with your fees. Hereof fail not, and make return of this precept with your doings into our office at Boston within thirty days next coming. Given under our hands and seals at Boston, the day of A. D. , and in the year of his majesty's reign.

Sheriffs, &c., to levy executions.

And all sheriffs, under-sheriffs and deputies, and where they are interested, all coroners, and where the sum exceeds not ten pounds, all constables are impowered to serve said executions, being directed to them.

And be it further enacted,

Commissioners when enabled to redeem bills to give notice.

[SECT. 2.] That the said commissioners, or the major part of them, as soon as they are enabled to redeem said bills, shall give notice in the said weekly newspapers of the time and times in the town of Boston, when and where they will attend to redeem them, which public notice being inserted in all the weekly newspapers printed in Boston six weeks successively, is hereby made and declared a legal tender to all and every possessor and possessors of said bills.

And be it further enacted,

Commissioners empowered to call sheriffs, &c., to account.

[SECT. 3.] That the said commissioners be and they hereby are fully impowered to call to account all sheriffs, deputy-sheriffs, coroners and constables who have received warrants heretofore against any of the said directors or partners, and those of them who have been or shall be guilty of negligence or misfeazance pursue in a course of law until[l] final issue in order to recover damages, to which they are hereby declared liable, for their negligence or misfeazance.

And be it further enacted,

Bills redeemed, the commissioners empowered to make a new assessment, &c.

[SECT. 4.] That so soon as the aforesaid bills shall have been redeemed, the said commissioners shall proceed to make another assessment, as equitably as may be, as well upon such of the partners who, having some estate, may have been omitted in their former assessment, as upon the real estate of all said partners who are deceased or removed out of the province, and conveyed away their said estates contrary to an act or law of this province made in the seventeenth year of his present majesty's reign, intit[*u*]led "An Act for the more speedy finishing the Land-bank or Manufactory Scheme," and to proportion the same in such manner according to the laws heretofore made relative to said scheme, as that any losses or charges arisen or that may arise, may be born by the persons concerned therein as equitably as may be, and shall give notice thereof as in this act is directed relating to the other assessment, to the end that the tenants in possession or others concerned

1743-44, chap. 17.

may be duly apprized thereof, and may pay said assessment; and if neglect be made of payment for the space of thirty days next after such notice given, the said commissioners are hereby authorized and impowered forthwith to sell so much of the said real estate which did belong to such delinquent partner, as they shall judge sufficient to answer his said assessment, and give sufficient deed or deeds therefor, first giving notice of time and place of sale thirty days beforehand; and upon the executing such deed or deeds, it shall be lawful for the vendee or vendees immediately, and without other process in the law, to enter into the estate so conveyed, and to hold the same, the conveyance of any such partner contrary to the said act made in the seventeenth year of his present majesty's reign, or the possession of any such tenant or tenants notwithstanding, and execution shall issue against the aforesaid partners who have been omitted in their former assessment in manner and form as is provided by this act.

Preamble.

And whereas endeavours have been used to discourage and prevent persons, otherwise inclined to purchase, from bidding for estates taken by execution, and exposed to public[*k*] sale,—

Be it therefore further enacted,

Directors' or partners' estates not sold by public sale, &c., may be otherwise disposed of.

[SECT. 5.] That where the estate of any of the late directors or partners, taken by warrants or execution from the commissioners, hath or shall be exposed to public[*k*] sale, and could not be sold, or where the highest sum bid as the purchase consideration was or shall be but of trifling value compared with the real value of such estate, in such case it shall be lawful for the said commissioners, or such other person or persons as by law are vested with authority to dispose of such estate, to convey the same by private sale, where 'tis apprehended that said estate may be so vended to better advantage.

And be it further enacted,

Commissioners to sit in the town of Boston.

[SECT. 6.] That the said commissioners shall sit[t] in the town of Boston for the accomplishing those affairs, as often as they shall judge necessary, and be paid for their service what this court shall judge reasonable; and if there shall be a surplus in the hands of the said commissioners after redeeming said bills and paying all losses and necessary charges, the said commissioners shall divide and pay the same equitably among the said partners who shall have duly paid their said assessments.

And be it further enacted,

Persons purchasing lands from commissioners, &c., barred from bringing actions, &c.

[SECT. 7.] That all persons who shall purchase any of the lands aforesaid from the s[*ai*]d commissioners or sheriffs shall be forever excluded and debar[re]'d from bringing any action or actions against the said commissioners or sheriffs upon the account of any disturbance which may happen to the said purchasers or any of them in their possessions or titles from any person or persons whatsoever. [*Passed March* 28, 1759.

CHAPTER 21.

AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION AGAINST CANADA.

Preamble.

WHEREAS it has been determined by the votes and resolves of the general assembly of this province that five thousand men, including officers, should be raised for his majesty's general service this present year, over and above the garrison at Castle William, the several forts

and garrisons on the eastern and western frontiers, and such marching parties as may be necessary for the defence of said frontiers, and the seamen necessary for the ship King George; *and whereas* provision has already been made by the assembly aforesaid for raising four hundred of said five thousand men; therefore, for the effectual levying four thousand six hundred men, including officers, being the remaining part of said five thousand men,—

Be it enacted by the Governour, Council and House of Representatives,

General muster.

[SECT. 1.] That on the sixth day of April next, at ten of the clock in the forenoon, there shall be a muster of all the companies of horse and foot of the militia of this province, and of the batteries of the towns of Boston, Charlestown, Marblehead, Salem and Glocester, and

Chief officer to notify the same by a sergeant or corporal, either in person or by leaving a notification at the place of his abode.

the captain or chief officer of each of said companies shall immediately give notice thereof by a sergeant or corporal of his troop or company, to each person belonging to the same, from the age of sixteen to sixty, and not by the law of this province exempt from attending military exercises, either in person, or in case of his absence or not being to be found, by leaving a notification in writing at the place of his abode; and

Penalty for non-appearance.

every person notified in either of the ways aforesaid shall punctually and duly attend until dismissed, unless unavoidably prevented, on penalty of forfeiting and paying sixteen pounds, to be sued for and recovered with costs of suit, by the clerk of the troop or company to which

How to be recovered and applied, &c.

such delinquent belongs; and if such delinquent be a minor or servant, the action to be brought against and penalty recovered of his parent or master; one third of said penalty to be for the use of said clerk, and the other two thirds shall by him be paid into the hands of the treasurer of the town, district or parish, to be employed in hiring men into his majesty's service, as there shall be occasion, and drawn out for that purpose by the captain or chief officer of the troop or company.

In case of deficiency of the quota assigned any company or troop, the same to be completed by an impress, &c.

[SECT. 2.] And in case any troop or company, being warned as aforesaid, shall not, on or before the said sixth day of April next, at four of the clock in the afternoon, have made up the dificiency of their enlistments and compleated their quota, then the captain or chief officer of such troop or company shall immediately proceed to impress or cause to be impressed so many able-bodied men as shall be necessary in order to compleat his quota as aforesaid; and every person so impressed and not exempted as aforesaid, shall be deemed a soldier in the service into which he was impressed, unless he shall obtain a discharge in writing under the hand of the captain or chief officer of the company or colonel of the regiment to which he belongs, or from the commander-in-chief of the province, or otherwise shall pay to the captain or chief officer of the troop or company to which he belongs the sum of eight

Fines, how to be disposed of.

pounds within one hour after he is impressed, to be disposed of in hiring another man in his stead, and to account upon oath for the overplus, if any there be, to be paid to the treasurer of the town, district or parish, to be employed in hiring men into his majesty's service as there shall be occasion, and drawn out for that purpose by the captain or chief officer of the troop or company; and in case the fine or fines paid by impressed men as aforesaid shall not be sufficient to hire able-bodied men enough to make up the quota immediately, such captain or officer shall proceed to impress more men; and in case of their paying the fine aforesaid, or being discharged as aforesaid, shall go on without delay to impress in manner aforesaid, until the quota be compleated either by hiring with the fines, or with the impressed men as aforesaid.

Preamble.

And whereas many persons liable to train and do military duty may come from other governments into this province to avoid doing their duty at home, and others who are inhabitants within this province may

strole from town to town or place to place to avoid impresses, and others that do not belong to any particular company,—

Be it further enacted,

Residents or strollers impressed, to be deemed soldiers.

[SECT. 3.] That the colonels of each regiment, captain or chief officer of any troop or company who shall be in want of men to compleat his quota after ten of the clock in the forenoon, on the sixth day of April next, may impress any residents or strolers within his district, being persons suitable to be impressed, though the same persons do not belong to his regiment or company; and such persons so impressed shall be deemed soldiers in the service: *unless* they do really belong to some company of the militia within this province that shall have compleated its quota before the said sixth day of April next, or shall be discharged by the governour or commander-in-chief, or such person as he shall appoint for such purposes: unless he doth procure some able-bodied, effective man to the acceptance of the officer who impressed him, or to the muster master, who shall inlist in his room, on or before the time appointed for his passing muster.

Proviso.

Preamble.

And whereas the people called Quakers alledge a scruple of conscience against any military service, and persist in their neglect or refusal to attend on military musters,—

Be it enacted,

Quakers exempted.

[SECT. 4.] That such of the inhabitants of this province as profess themselves to be of the people called Quakers, shall be and hereby are declared to be exempt from the fines and forfeitures for not attending on military musters, and for not attending the service upon an impress, anything in this act to the contrary notwithstanding.

Preamble.

And in order to prevent any unequal burthen upon any company in which there are any of the people called Quakers liable to be impressed, and to prevent any deficiency in the whole number of men required to be raised by this act,—

Be it further enacted,

Quakers liable to be impressed to pay £13 6*s.* 8*d.*, &c.

[SECT. 5.] That in every company in which there are any of the people called Quakers, liable to be impressed, the captain or chief officer of such company is hereby impowered and required to engage and employ a sum not exceeding thirteen pounds six shillings and eightpence per man, in order to hire into the service so many men as by this act would have been liable to be impressed from such people called Quakers, in a due proportion to the other part of the company, the sums so engaged to be paid out of the public treasury upon an account thereof exhibited to and allowed by the governor, with the advice and consent of the council, and to be levied in the next tax-act upon the people called Quakers, in such manner and proportion as shall be therein ordered.

And be it further enacted,

Treasurer to tax Quakers, &c.

[SECT. 6.] That if the general assembly who shall pass the next tax act shall omit therein to levy the aforesaid sums on the people called Quakers, that then the province treasurer shall be, and he hereby is impowered and directed to add the said sums to the town or district's proportion wherein such Quakers live respectively, over and above such town or district's ordinary proportion of the province tax, distinguishing it, however, from said proportion, that so the respective assessors of said towns and districts may assess such Quakers for the same accordingly as aforesaid.

And be it further enacted,

Colonels to file list of Quakers in secretary's office.

[SECT. 7.] That the captain or chief officer of every company in each regiment within this province that shall have employed any sum or sums to hire persons into the service in the room and stead of the people called Quakers, in consequence of this act, shall, sometime before the twenty-fifth day of May next, in this present year, prepare

and deliver to the colonel of the regiment to which he belongs, a list of all the people called Quakers, or who, under a pretence of a scruple of conscience, absent themselves from military musters within the respective districts of their respective companies, specifying in such list the towns of which each and every such person is an inhabitant; and every such colonel or chief officer of such regiment shall, sometime before the first day of June next, return such list into the secretary's office.

Penalty. [SECT. 8.] And every captain or chief officer of a company who shall fail of preparing and delivering such lists, shall forfeit and pay a sum double to that he shall receive out of the province treasury to hire men withal; one moiety thereof to his majesty for the use of the province, the other moiety to him or them that shall inform and sue for the same; and every colonel who shall neglect or refuse to deliver into the secretary's office within the time aforesaid the several lists delivered him by the officers aforesaid, shall for every such neglect forfeit and pay the like sum, to be recovered in manner and applyed to the uses aforesaid: *provided*, that nothing herein contained shall be construed to extend to the inhabitants of Nantucket, who are to attend and observe the rules and directions in the law of this province, relating to the inhabitants of that island, made in the present year of his present majesty's reign.

Proviso.

1758-59, chap. 23.

And be it further enacted,

[SECT. 9.] That if at any time before the men raised are delivered over to the officers going upon the expedition aforesaid, there shall be a deficiency in any troop or company in the number to be raised therein, that in every such case the captain or commanding officer of said troop or company is hereby authorized and required immediately, by impress, to make up said deficiency, and for that end may impress or cause to be impressed in any part of this province any able-bodied, effective man or men belonging to his troop or company liable to be impressed; and every person that, before four of the clock in the afternoon of the sixth day of April next, who* shall inlist and attend the service aforesaid, shall be deemed part of the quota ordered to be raised out of the troop or company whereunto he belonged; and every stroler or stragler that shall be impressed, and attend the service as aforesaid, shall be deemed part of that troop or company's quota whereunto that officer belongs who may impress him.

And be it further enacted,

Penalty for neglect of duty. [SECT. 10.] That every captain or commanding officer, sergeant or corporal that shall neglect or refuse to do his duty by this act required of him, shall for every offence, if a captain or commanding officer, forfeit and pay the sum of thirty pounds; if a sergeant or corporal, the sum of four pounds, to be recovered by any person who shall prosecute for the same, either by action of debt or information; one third of said fine or forfeiture to be for the use of said prosecutor, the other two thirds to be lodged in the hands of the treasurer of the town, district or parish where said offender lives, to be drawn out for the use and purpose aforesaid, and no other, by the colonel of the regiment if the captain or commanding officer is the offender; if the sergeant or corporal is the offender, by the captain.

Proviso in case of an alarm. *And whereas* the great scarcity of labourers, which will be the natural consequence of raising a body of troops within this government for his majesty's service this present year, will make it necessary that those which remain at home be not called off from their labour,—

Be it further enacted,

Military musters in April, &c., exempted. [SECT. 11.] That no captain or chief officer of any foot company shall be held and obliged to call together, instruct or employ his com-

* *Sic.*

pany in military exercises, either on the second or third Mondays in April next, the first Monday in May, the first Tuesday in June, the last Monday in October next, and the Tuesday following the same Monday. And no captain or chief officer of any troop of horse shall be held or obliged to call his troop together either on the second or third Mondays of April next, nor on the last Monday of October next, or the Tuesday next following the same Monday; and no foot soldier or trooper shall be liable to any penalty for not appearing in arms on either of the days aforesaid.

Provided always,—

And it is hereby declared,

[SECT. 12.] That nothing in this act shall be construed or understood to exempt any officer or soldier in horse or foot from the duties and penalties required by law for non-appearance in case of an alarm on either of the days aforesaid. [*Passed March* 28*; *published March* 14,† 1759. Proviso.

CHAPTER 22.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION AGAINST CANADA."

WHEREAS provision is already made by law for the officers of the militia speedy raising the levies agreed by this government for the intended invasion of Canada, but unless some further provision be made many desertions may happen, and great delay and inconveniencie may arise in marching the men so raised; for prevention whereof,— Preamble. 1758-59, chap. 21.

Be it enacted by the Governour, Council and House of Representatives,

That if any officer of this province that shall have received a commission and engaged in said service, shall refuse to obey the orders given him by the captain-general of this province, or his commanding officer, or shall not duly observe the same by punctually attending the militia officers to receive the men after they have raised and mustered them, or not march them as directed and required by the orders given them in manner as aforesaid, such expedition officers, unless unavoidably prevented, for such offence committed in this province, shall, if a field officer, forfeit and pay the sum of one hundred pounds; if a commission officer, the sum of fifty pounds, to be recovered by action or information, the one moiety to him that shall inform or sue for the same, the other moiety to be to and for the use of this government. [*Passed March* 28; *published March* 22,† 1759. Penalty for expedition officers not obeying orders, &c.

CHAPTER 23.

AN ACT SUBJECTING THE INHABITANTS OF THE ISLAND OF NANTUCKET TO AN ASSESSMENT TOWARDS THE CHARGE OF DEFENDING HIS MAJESTY'S TERRITORIES, IN LIEU OF THEIR PERSONAL SERVICE.

WHEREAS the raising of men for his majesty's service upon the island of Nantucket[t], within this province, is attended with very great difficulties, by reason that the said island is situated at a considerable dis- Preamble. 1755-56, chap 32.

* This chapter was passed to be enacted March 14, but the record shows that it was not signed until the 28th.

† According to the printed acts.

tance from any other part of the province, being an island at sea, more than thirty miles from the main land, and the greatest part of the inhabitants being of the people called Quakers,—

Be it therefore enacted by the Governour, Council and House of Representatives,

Inhabitants of Nantucket to pay into the treasury £13 6*s.* 8*d.* for each man that shall be assigned them to raise.

[SECT. 1.] That when and so often as it shall be found necessary that a number of men should be raised in the several towns in this province for his majesty's service, and the quotas of such men assigned to the several towns, counties or regiment[s] within th[e][*is*] province, the inhabitants of the said island of Nantucket shall pay into the public treasury of this province the sum of thirteen pounds six shillings and eightpence for each and every man that shall be assigned to them to raise as aforesaid; which monies shall be levied and collected on the polls and rateable estates of the inhabitants of said island by the same rules of law and in the same manner as the province tax is levied and collected, and shall from time to time be added to their province tax in the then next tax act.

Provided, nevertheless,—

Not to extend to those who are not inhabitants of the island of Nantucket.

[SECT. 2.] That this act shall not be construed or understood to extend to any persons who are not inhabitants of said island of Nantucket, but it shall and may be lawful for the sheriff of the county of Nantucket, or his deputies, and they are hereby severally required, to

Sheriffs empowered to impress any such who are not exempted by law.

take up and impress all such able-bodied and effective men, who are not by law exempted from serving his majesty in the present campaign, who may be found on said island, at any time before the levies of this province for the same are compleated, and who have not resided on said island before the twenty-eighth day of February last, and who shall not appear with their respective regiments at the general muster by law

Sheriff to give notice to the colonel, &c.

ordered to be held on the sixth day of April next. And such sheriff or deputy sheriff shall give notice to the several colonel[l]s or chief officers of the regiment in the county of Barnstable of all men thus impressed by them or either of them, and deliver over said men to said colonels or to such officers as they shall appoint to receive the same, or to the colonel of any other regiment, or to such officer as he shall appoint for that purpose, whichsoever of them shall first appear to

Such men to be held to the service as if impressed by the officer of the regiment to which they belong.

receive said men. And each and every man so impressed shall be held to the service in the same manner as if he had been impress'[*e*]d by the officer of the regiment to which he belongs: *unless* he shall procure an able-bodied, effective man in his room, or otherwise be excused by the captain-general; and such impress'[*e*]d person shall be accounted part of the quota of the regiment and of the company in such regiment whereto he belongs: *provided*, the colonel of such regiment, or his officer, or any other person whom he may appoint shall be timely there to receive him.

Limitation.

[SECT. 3.] This act to be in force from the twenty-second day of this instant March, for the space of two years, and no longer. [*Passed March* 15;* *published March* 22, 1759.

* March 28, according to the record.

CHAPTER 24.

AN ACT TO ENABLE THE WIDOWS OF SUCH NON-COMMISSION OFFICERS AND SOLDIERS AS SERVED IN THE PAY OF THIS PROVINCE UNDER THE GENERAL AND COMMANDER-IN-CH[EI][*IE*]F OF HIS MAJESTY'S FORCES IN NORTH AMERICA, IN THE YEARS 1757 AND 1758, AND ARE SINCE DECEASED INTESTATE, TO RECEIVE THE WAGES DUE TO SUCH OFFICERS OR SOLDIERS WITHOUT ADMINISTRATION UPON THEIR ESTATES.

Be it enacted by the Governo[u]r, Council and House of Representatives,

[SECT. 1.] That it shall and may be lawful for the province treasurer, and he is hereby directed to pay to the widow of any non-commission officer or soldier who served in the pay of this province under the general and commander-in-ch[ei][*ie*]f of his majesty's forces in North America any time in the years 1757 and 1758, and since deceased intestate, the wages due to such officer or soldier, and the receipt given by such widow shall be a discharge to the province treasurer, and such widow shall not be liable to any action or suit for any sum received by virtue of this act. Treasurer to pay widows of non-commission officers and soldiers the pay due, &c.

And be it further enacted,

[SECT. 2.] That if administration shall be granted upon the estate of any deceased officer or soldier whose widow shall have received his wages by virtue of this act, the judge of probate granting such administration, shall, and he is hereby required, in passing upon the accounts of the administrator, to consider and have regard to the sum so received as an allowance, either in part or in whole, as such judge shall think proper, of the necessary implements of houshold stuff allowed by law to widows in cases where provision is not otherwise made for that purpose. [*Passed March* 15;* *published March* 22, 1759. Judges of probate empowered to make allowance to the widows of non-commission officers and soldiers, &c.

CHAPTER 25.

AN ACT TO PREVENT SOLDIERS AND SEAMEN IN HIS MAJESTY'S SERVICE FROM BEING ARRESTED FOR DEBT.

For the more speedy and effectual levying of soldiers, and to prevent their being arrested for debt,— Preamble. 1746-47, chap. 2. 1753-54, chap. 41, §§ 17, 18, 19.

Be it enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That no person who is or shall be engaged in his majesty's service, and in the pay of this province, either as a non-commission officer, private soldier or seaman, shall, during his continuance therein, be liable to be taken out of his majesty's service, by any process or execution, unless for some criminal matter, for any sum under the value of ten pounds sterling, nor for any greater sum, until oath shall be made by the plaintiff or plaintiffs before one of the justices of the court out of which the execution or process shall issue, or before two of the justices of the peace, *quorum unus*, in the county where the plaintiff may happen to be, that, to his or their knowledge there is *bonâ fide* due from such person as the process or execution is desired to issue against, the sum of ten pounds sterling at least, and was due on the Soldiers and seamen in his majesty's service not liable to be arrested. Oath to be made before two justices, &c.

* March 28, according to the record.

Body of soldier or seaman how to be discharged.

first day of March, instant; and every non-commission officer, private soldier or seaman, whose body, contrary to the intent of this act, shall be arrested by mean process or execution after his engaging in said service, may and shall be set at liberty by two justices of the peace, *quorum unus*, in the county where such non-commission officer, private soldier or seaman is taken, upon application made by him or his superior officer, and proof of his being entred into the service aforesaid.

Provided, nevertheless, and it is the true intent and meaning of this act,—

Proviso.

[SECT. 2.] That no such non-commission officer, private soldier or seaman as aforesaid shall have his person exempted from arrests for any sum or sums due for the publick taxes for the year one thousand seven hundred and fifty-eight, anything in this act to the contrary notwithstanding.

Limitation.

[SECT. 3.] This act to be and continue in force from the seventeenth day of March instant, to the first day of November next, and no longer. [*Passed March* 17;* *published March* 22, 1759.

CHAPTER 26.

AN ACT PROVIDING FOR THE SUPPORT AND MAINTAINANCE OF SUCH FRENCH PRISONERS AS MAY BE TAKEN OR SENT IN BY THE PROVINCE SHIP KING GEORGE.

Preamble.

WHEREAS this government were at great expence in supporting such French prisoners as were in and belonged to the several prize ships taken by the ship King George the last year, and the commander, officers and seamen belonging to said ship rec[ie][*ei*]ved the whole benefit and advantage of said prizes over and above the pay allowed them by the province, and as it is but just and reasonable that the French prisoners taken by said ship King George should be maintained out of the captures made by her,—

Be it enacted by the Governour, Council and House of Representatives,

Expense of prisoners brought or sent in by the province ship King George to be paid out of the produce of the prizes.

That from and after the publication of this act, and during the continuance of the present war with France, the whole expence of the support and maintainance of all prisoners brought or sent into this province that shall hereafter be taken by said ship King George, privateers excepted, shall be paid out of the produce of the prizes, goods or effects taken by said ship, and the commander, officers and seamen belonging to her and intitled to said produce shall be answerable for such expence. [*Passed March* 14;* *published March* 22, 1759.

CHAPTER 27.

AN ACT FOR FURTHER CONTINUING THE ACT [E][*I*]NTITULED "AN ACT PROVIDING FOR THE RECEPTION AND ACCOM[*M*]ODATION OF HIS MAJESTY'S FORCES WITHIN THIS PROVINCE."

Preamble. 1758-59, chap. 8.

WHEREAS an act made and passed in the present year of his majesty's reign, intit[*u*]led "An Act providing for the reception and accom[*m*]odation of his majesty's forces within this province," is near expiring,—

* March 28, according to the record.

Be it therefore enacted by the Governour, Council and House of Representatives,

That the before mentioned act, and every article, clause, matter and thing therein contained, is hereby continued, and it shall be and remain in full force until the first day of June, one thousand seven hundred and fifty-nine, and no longer. [*Passed March* 28; *published March* 22,* 1759.

All matters and things contained in said act to be continued till June 1, 1759.

CHAPTER 28.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF FORTY-SIX THOUSAND POUNDS.

Whereas this court have agreed to raise four thousand six hundred men to co-operate with his majesty's forces for the reduction of Canada, and it is necessary that there be a speedy supply of money for the levying and cloathing the same,— Preamble. See chap. 21, ante, and note.

Be it enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That the treasurer of this province be and he hereby is directed and impowered to borrow from such person or persons as shall be willing to lend the same, a sum not exceeding the sum of forty-six thousand pounds, in Spanish mill'd dollars, at six shillings each, or in coined silver, sterling alloy, at six shillings and eightpence per ounce; and for the sum so borrowed, the treasurer shall give a receipt and obligation in the form following; viz[t].,— Treasurer empowered to borrow £46,000.

Province of the Massachusetts Bay, the day of , 1759. Received of the sum of , for the use and service of the province of the Massachusetts Bay; and in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or order, the day of , one thousand seven hundred and , the aforesaid sum of , in coined silver, of sterling alloy, at six shillings and eightpence per ounce, or in Spanish mill'd dollars, at six shillings each, with interest at the rate of six per cent per annum. Form of treasurer's receipt.

Witness my hand, H. G.

—and no receipt or obligation shall be given for less than six pounds.

And be it further enacted,

[Sect. 2.] That the aforesaid sum of forty-six thousand pounds, when received into the treasury, shall be issued out by the governour or commander-in-chief, by and with the advice of the council, in the manner and for the purposes following; viz[t]., the sum of thirty thousand pounds, part of the said sum of forty-six thousand pounds, for the paying the bounty to the men that shall inlist on or before the sixth day of April next for the expedition against Canada, pursuant to the order of this court; and the further sum of nine thousand pounds, part of the aforesaid sum of forty-six thousand pounds, shall be applied for the payment of the commissary's disbursements in purchasing necessary supplies for the forces that shall go in said expedition, hiring of vessels and transporting goods; and the further sum of two thousand pounds, part of the aforesaid sum of forty-six thousand pounds, shall be applied for the payment of the forces that were sent on the alarm for the relief of Fort William Henry, in the year one thousand seven hundred and fifty-seven; and the further sum of two thousand pounds, part of the aforesaid sum of forty-six thousand pounds, shall be applied

£30,000 for paying bounty to enlisted men.

£9,000 for commissary's disbursements, &c.

£2,000 for paying of such who went to the relief of Fort William Henry.

£2,000 for hiring men in the room of Quakers.

* According to the printed acts.

for the payment of the several captains of the militia such sums of money as they shall employ in hiring men to go into the said expedition in the room of Quakers, pursuant to the directions of an act made in the present year of his majesty's reign, intituled "An Act for the speedy levying of soldiers in the intended expedition against Canada"; and the further sum of three thousand pounds, the remaining part of the aforesaid sum of forty-six thousand pounds, shall be applied for the payment of the billeting of the men that shall be raised for said expedition, until they shall receive the king's provision.

1758-59, chap. 21, § 5.

And as a fund and security to enable the treasurer to discharge the obligations by him given in pursuance of this act,—

Be it enacted,

Tax granted of £50,000.

£32,000 in 1759.

£18,000 in 1760.

[SECT. 3.] That there be and hereby is granted to his excellent majesty, a tax of fifty thousand pounds, to be levied on polls and estates within this province; and that thirty-two thousand pounds, part of the aforesaid sum of fifty thousand pounds, according to such rules and in such proportions as shall be agreed upon and ordered by the general court of this province on or before the first day of October, one thousand seven hundred and fifty-nine, and to be paid into the publick treasury on or before the second day of June, one thousand seven hundred and sixty; and the sum of eighteen thousand pounds, the remaining part of the said sum of fifty thousand pounds, according to such rules and in such proportions on the several towns and districts aforesaid, as shall be agreed on and ordered by the general court at their sessions in May, one thousand seven hundred and sixty, and to be paid into the publick treasury on or before the twentieth day of June, one thousand seven hundred and sixty-one.

And be it further enacted,

Rule for apportioning a tax in case no tax act shall be agreed on.

[SECT. 4.] That in case the general court shall not, before the first day of October, one thousand seven hundred and fifty-nine, and before the twentieth day of June, one thousand seven hundred and sixty, agree and conclude upon an act apportioning the sums which by this act are engaged to be in each of said years apportioned, assessed and levied, that then, and in such case, each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[SECT. 5.] And the province treasurer is hereby fully impowered and directed, sometime in the month of October, one thousand seven hundred and fifty-nine, and in the month of June, one thousand seven hundred and sixty, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, and for their respective parts and proportion of the sums before directed and engaged to be assessed, to be paid into the public[k] treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as have been given in the last preceeding tax act.

Fund.

And as a further fund to enable the treasurer to discharge the receipts and obligations aforesaid by him given in pursuance of this act,—

Be it further enacted,

Notes or securities given by the treasurer to be discharged out of the particular fund.

[SECT. 6.] That when the treasurer shall receive the money granted by the parliament of Great Britain to this province in the year one thousand seven hundred and fifty-eight, who is hereby fully authorized and impowered to receive the same, or any part thereof, from any per-

son or persons that shall bring the same into the government, it shall be applied by said treasurer, or so much thereof as shall be needful, for discharging such obligations, with the interest that shall be due thereon in pursuance of this act, and the overplus, if any there be, to remain as a stock in the treasury. mentary grant of 1758.

Provided, always, anything in this act notwithstanding,— Proviso.

[SECT. 7.] That in case the money aforesaid shall arrive from Great Britain, and be received into the province treasury on or before the first day of October, one thousand seven hundred and fifty-nine, and shall be sufficient to repay the sums engaged for by virtue of this act, and shall be sufficient for discharging the obligations given by the treasurer in pursuance of this act, then, and in such case, the several taxes which otherwise by this act are ordered to go forth, shall be and hereby are declared to be null and void. In case the money should be received on or before the first day of October.

[SECT. 8.] But if the sum that shall be received from Great Britain shall not be sufficient for the discharging the obligations given by the treasurer and interest thereon, in pursuance of this act; then, and in such case, the tax or taxes ordered by this act shall go forth only for a sum to make good the deficiency. [*Passed March* 26;* *published March* 22,† 1759. Further proviso.

CHAPTER 29.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED AND WINE, AND UPON LIMES, LEMMONS AND ORANGES.

WE, his majesty's most loyal and dutiful[l] subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous to lessen the present debt of the province, have chearfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the end and use above mentioned, and for no other use, an excise upon all rum and other spirits distilled, and upon all wines whatsoever, and upon lemmons, limes and oranges, to be raised, levied and collected, and paid in manner and form following:— Preamble.

And be it accordingly enacted by the Governo[u]r, Council and House of Representatives,

[SECT. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and fifty-nine, and until the twenty-sixth day of March, one thousand seven hundred and sixty, every person already licenced, or that shall be hereafter licenced, to retail rum or other spirits distilled, or wine, shall pay the duties following:— Time of this act's continuance.

For every gallon of rum and spirits distilled, eightpence.

For every gallon of wine of every sort, twelvepence.

For every hundred of lemmons or oranges sold, eight shillings.

For every hundred of limes sold, three shillings.

—And so proportionable for any other quantity or number.

And be it further enacted,

[SECT. 2.] That every retailer of rum, wine or spirits distilled, taverner, innholder and common victualler, shall, on the twenty-sixth day of March, one thousand seven hundred and fifty-nine, take a just and true account, in writing, of all wine, rum and spirits distilled then by him or her, or in his or her possession; and that every person who shall be hereafter licenced to be taverner, innholder, common Accounts to be taken.

* March 28 according to the record. † According to the printed acts.

victualler and retailer of wine, rum or spirits distilled, shall take a like account of all wine, rum and other spirits distilled by him or her, or in his or her possession, at the time of such licence granted; and that every taverner, innholder, common victualler and retailer of rum or other spirits distilled, or wine shall make a fair entry, in a book by them respectively to be kept for that purpose, of all such rum or other spirits distilled, or wine, as he or she, or any person or persons for him or her, shall buy, distill, take in or rec[ie][*ei*]ve after such first account taken, and when and of whom the same was bought and taken in; and at the expiration of every half year shall take a just and true account how much thereof then remains by them; and shall, in writing, under their hands, render to him or them that shall collect the duties aforesaid the whole of those several accounts, and shall also make oath, in the form following, before such collector or collectors, who are hereby impowered to administer the same:—

Form of the oath.

You, A. B., do swear that the account by you now rendered is, to the best of your knowledge, a just and true account of all wines, rum and distilled spirits, you had by you, or in your possession, on the twenty-sixth day of March, one thousand seven hundred and fifty-nine, and also of all the wine, rum and other distilled spirits bought, distilled, taken in or rec[ie][*ei*]ved by you, or by any person or persons for or under you, or by or with your knowledge, allowance, consent or connivance, and that there still remains thereof in your possession unsold, so much as is in this account said to remain by you unsold; and that you do not know or believe that there hath been by you, or by any other person or persons for or under you, or by your or their order, allowance, consent or connivance, either directly or indirectly, sold, used or consumed any wine, or any liquor for, or as, wine; any rum or distilled spirits, or liquor for, or as, rum or distilled spirits; or that there hath been any limes, lemmons or oranges sold by you, or by any person or persons for or under you, or by your order, consent, [or] allowance or connivance, used in making punch, or otherwise for sale, since the said twenty-fifth day of March, one thousand seven hundred and fifty-nine, besides what is contained in the account by you now rendered. So help you God.

Penalty for collectors receiving accounts without oath.

—and every collector of the excise who shall rec[ie][*ei*]ve any account from any person in consequence of this act, without their making oath to the same as aforesaid, shall forfeit and pay for the use of the government the sum of twenty pounds.

Oath to be varied.

[SECT. 3.] And for every person that was not licenced on the same twenty-fifth day of March, the form of the oath shall be so varied as that, instead of expressing the day aforesaid, the time of taking and rendering their last account shall be inserted and used; and for every person rendering an account after the first, the oath shall be so varied, as that instead of expressing the day aforesaid, the time of taking and rendering their last accounts shall be inserted and used.

Duties to the collector.

[SECT. 4.] And every such taverner, innholder, retailer and common victualler shall pay the duties aforesaid to him or them that shall collect the same, or the whole of the several articles mentioned in such account rendered, *saving only* for such part thereof as remains in their hands unsold: *provided, nevertheless*, that for leakage, &c., ten per cent shall be allowed them on all liquors in such account mentioned, besides what remains in their hands unsold.

Ten per cent allowed for leakage.

And be it further enacted,

Taverner, &c., to give bond.

[SECT. 5.] That every person hereafter licenced to be taverner, innholder, common victualler or retailer of any wine, rum or spirits distilled shall, within thirty days after such licence granted, and before he or she sell by virtue of the same, not only become bound to keep good rule and order, as by law is already required, but shall also become bound, with sufficient sureties, by way of recognizance, to his majesty, for the

use of this government, in a sufficient sum, to be ordered by the court that grants the licence, which sum shall not exceed three hundred pounds nor be less than fifty pounds, conditioned that they shall keep and render the accounts aforesaid, and pay the duties aforesaid, as in and by this act is required.

And be it further enacted,

Forfeiture for neglect in keeping and rendering account.

[SECT. 6.] That every such taverner, innholder, common victualler and retailer, who shall neglect or refuse to take, keep and render such accounts as by this act are required, or that shall neglect or refuse to take the oath aforesaid, shall forfeit and pay, to him or them that shall collect the duties aforesaid, double the sum which the court of general sessions of the peace in that county shall adjudge that the duties of excise upon the liquors, limes, lemmons and oranges by such taverner, innholder, common victualler or retailer, or by any for, by or under him or them, sold, used or consumed would have amounted to; and no persons shall be licenced by the justices of the general sessions of the peace,who have not accounted with the collector, and paid him the excise aforesaid, due from such person at the time of his or her taking or renewing his licence.

Preamble.

And whereas, notwithstanding the laws made against selling strong drink without licence, many persons, not regarding the penalties of said acts, do rec[ie][*ei*]ve and entertain persons in their houses, and sell great quantities of spirits and other strong drink, without licence; by reason whereof great debaucheries are committed and kept secret, and such as take licences and pay the duties of excise therefor are greatly wronged, and the government thereby defrauded,—

Be it therefore enacted,

Forfeiture for selling without license.

[SECT. 7.] That if any distiller, importer or any other person whatsoever, after the said twenty-fifth day of March, shall presume, directly or indirectly, to sell any rum or other distilled spirits, or wine, in less quantity than twenty-five gallons, or any beer, ale, cyder, perry or other strong drink, in any quantity less than ten gallons, without licence first had and obtained from the court of general sessions of the peace in that county, and recognizing in manner as aforesaid, shall forfeit and pay for each offence, the sum of four pounds and costs of prosecution, two thirds for the use of the government and the other third for the prosecutor; and all such as shall neglect or refuse to pay the fine aforesaid, shall stand closely committed in the common goal of the county, and not have the liberty of the goaler's house or yard, until[l] said sum of four pounds is paid, with costs; and any goaler giving liberty contrary to this act, shall forfeit and pay the said sum of four pounds, to be disposed of in manner aforesaid, and costs of prosecution.

Preamble.

And whereas some doubts have arisen whether the lending or delivering rum, brandy or other spirits distilled, or wine to others, for their use, upon agreement or confidence of having the like liquors returned again, be a sale thereof; wherefore, for removing all such doubts,—

Be it enacted,

Liquors lent or delivered on certain considerations to be deemed a sale.

[SECT. 8.] That all rum, brandy and other spirituous liquors and wine, lent or delivered to others for their use, upon such like consideration, is, and shall be deemed and taken to be, an absolute sale thereof: and that every person not licenced as aforesaid, that shall order, allow, permit or connive at the selling any rum, brandy or other distill'[*e*]d spirits, or wine, contrary to the true intent and meaning of this act, by his or their child or children, servant or servants, or any other person or persons in or belonging to his or her house or family, shall be deemed and taken to be the seller of such liquors, and be subject to the aforesaid pains and penalties provided against such offenders, and shall be

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recovered in like manner: *provided*, that if it shall be made to appear that the liquors lent or delivered as aforesaid, shall have had the duties paid upon them, or were purchased of any person or persons having licence or permit, the person lending or delivering the same, as aforesaid, shall not be subject to the aforesaid pains and penalties.

Preamble.

And whereas divers other persons than those licenced to sell rum and other distilled spirits by retail, have heretofore suppl[y][*i*]ed persons employed by them in the fishery, building vessel[l]s, and in other bu[i]s[*i*]ness, with rum and other liquors, without paying any excise thereon, and thereby have defrauded the government of the duty of excise, and have not been subject to the penalty provided by law against selling drink without licence, and the same practice will probably be continued, unless effectual care be taken to prevent the same,—

Be it therefore further enacted,

Persons not licensed supplying those employed by them in the fishery, &c., with spirituous liquors to be deemed sellers.

[SECT. 9.] That all persons not licenced, as aforesaid, who hereafter shall, by themselves, or by another person or persons under them, or by their order, allowance or connivance, supply any person or persons employed by them in the fishery, building of vessel[l]s, or any other bu[i]s[*i*]ness or employ, with rum or other distilled spirits, or wine, shall be deemed and taken to be sellers of such liquors, and be subject to the aforesaid pains and penalties provided against persons selling any of the liquors aforesaid without licence, and shall be recovered in like manner, unless they make it appear that such wine, rum or other distilled spirits, was purchased of a taverner, innholder or retailer, or other person or persons that had licence or permit to sell the same.

And be it further enacted,

One witness sufficient for conviction.

[SECT. 10.] That when any person shall be charged with selling strong drink without licence, one witness produced to the satisfaction of the court or justice before whom the trial is, shall be deemed sufficient for conviction. And when and so often as it shall be observed that there is a resort of persons to houses suspected of selling strong drink without licence, any justice of the peace in the same county, shall have full power to convene such persons before him, to examine them upon oath concerning the persons suspected of selling or retailing strong drink in such houses, out-houses or other dependencies thereof; and if upon examining such witnesses, and hearing the defence of such suspected person, it shall appear to the justice there is sufficient proof of the violation of this act by selling strong drink without licence, judgment may thereupon be made up against such person, and he shall forfeit in like manner as if process had been commenced by action or information before the said justice; or otherwise said justice may bind over the person suspected, and the witnesses, to the next court of general sessions of the peace for the county where such person shall dwell.

And be it further enacted,

Penalty for selling strong drink to negroes, mulattoes, &c.

[SECT. 11.] That when and so often as any person shall be charged with selling strong drink without licence to any negro, Indian or mollato slave, or to any child or other person under the age of discretion, and other circumstances concurring, it shall appear to be highly probable in the judgment of the court or justice before whom the trial shall be, that the person complained of is guilty, then, and in every such case, unless the defendant shall acquit him- or herself upon oath (to be administred to him or her by the court or justice that shall try the cause), such defendant shall forfeit and pay four pounds, one third to the informer, the other two thirds to the collector of excise for the use of the government, and costs of prosecution; but if the defendant shall acquit him- or herself upon oath as aforesaid, the court or justice may and shall enter up judgment for the defend[*an*]t to recover costs.

And be it further enacted,

[Sect. 12.] That if any person or persons shall be summoned to appear before a justice of the peace, or the grand jury, to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace, or other court proper to try the same, to give evidence on the trial of any person informed against, presented or indicted for selling strong drink without licence, and shall neglect or refuse to appear, or to give evidence in that behalf, every person so offending shall forfeit the sum of twenty pounds and cost of prosecution; the one half of the penalty aforesaid to be to his majesty for the use of the province, and the other half to and for the use of him or them who shall sue for the same as aforesaid. And when it shall so happen that witnesses are bound to sea before the sitting of the court where any person or persons informed against, for selling strong drink without licence, is or are to be prosecuted for the same, in every such case, the deposition of any witness or witnesses, in writing, taken before any two of his majesty's justices of the peace, *quorum unus*, and sealed up and delivered into court, the adverse party hav[e]ing first had notice, in writing, sent to him or her, of the time and place of caption, shall be esteemed as sufficient evidence, in the law, to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of tr[y][*i*]al[l], and given his, her or their deposition *viva voce;* and every person or persons who shall be summoned to give evidence before two justices of the peace, in manner as aforesaid, and shall neglect or refuse to appear, or to give evidence relating to the facts he or she shall be enquired of[f], shall be liable and subject to the same penalty as he or she would have been by virtue of this act, for not appearing, or neglecting or refusing to give his or her evidence before the grand jury or court aforesaid. Penalty on persons refusing to give evidence.

And be it further enacted,

[Sect. 13.] That all fines, penalties and forfeitures arising by this act shall and may be recovered by action or information, before any court of record proper to try the same; and, where the sum forfeited doth not exceed four pounds, by action or information before any one of his majesty's justices of the peace in the respective counties where such offence shall be committed: which said justice is hereby impower'[*e*]d to try and determine the same. And said justice shall make a fair entry or record of all such proceedings: *saving always* to any person or persons who shall think him-, her- or themselves aggr[ei][*ie*]ved by the determination of said justice, liberty of appeal therefrom to the next court of general sessions of the peace to be holden for and within said county, at which court such offence shall be finally determined: *provided*, that in the same appeal the same rules be observed as are already required by law, in appeals from justices, to the court of general sessions of the peace: *saving, only*, that the recognizance for prosecuting the appeal shall be eight pounds. How fines, &c., are to be recovered.

Be it further enacted,

[Sect. 14.] That every collector shall settle all acco[mp][*un*]ts relating to said excise in the several towns of the county where he is collector, first giving seasonable and public[*k*] notice of the time and place or places where said bu[i]s[*i*]ness shall be transacted. Collector to settle accounts.

And be it further enacted,

[Sect. 15.] That there be one or more collectors in each county appointed by the general court, or courts of general sessions of the peace, where it shall happen that such collector refuse to accept said office, or be removed by death or for mismanagement, to take charge of this duty of excise, who shall have full power to inspect the houses of all such as are licenced, and of such as are suspected to sell with- Collectors of the excise to be appointed by the general court.

out licence, which collectors shall be upon oath to take care of the execution of this law, and to prosecute the breakers of it.

[SECT. 16.] And every collector of the excise in any county may substitute and appoint one or more deputy or deputies under him, upon oath, to collect and receive the excise aforesaid which shall become due in said county, and pay in the same to such collector, which deputy and deputies shall have, use and exercise all such powers and authorities as, in and by this act, are given or committed to the collector for the better collecting the duties aforesaid, or prosecuting offenders against this act; for the doings of such deputies, the collectors, respectively, shall be accountable.

[SECT. 17.] And the said collectors shall carefully examine the accounts of every licenced person in their respective counties, and demand, sue for, and receive the several sums due from them by this act, and shall give in the name of every licenced and permitted person, and an account under their hands, of the particular sums they receive, and of whom received, unto the treasurer upon oath; which oath the treasurer is hereby impower'[*e*]d and directed to administer in the words following; viz[t].,—

Form of the oath.

You, A. B., do swear that this is a just and true account of the excise upon all wines, rum and distilled spirits, limes, lemmons and oranges by you received or secured to be paid you in the county of ; and that the persons by whom such excise was paid or secured to be paid to you, were sworn in manner and form as by law is prescribed. So help you God.

Collectors to give two receipts for every sum received.

[SECT. 18.] And at the time of receiving any money, the said collector shall give two receipts of the same tenor and date, mentioning what sum or sums they have received from any taverner, innholder, common victualler or retailer; one of which receipts to be by the said taverner, innholder, common victualler or retailer returned to the court of general sessions of the peace within their respective counties, at the next session of such court, and the clerks of said court shall, within twenty days after receipt thereof, transmit the same to the treasurer or receiver-general.

[SECT. 19.] And such collectors shall pay in to the public treasury of this province all such sums as they shall receive within six months from the date of their commission, and so from time to time within the space of six months, as long as they shall continue in such office, on pain of forfeiting the reward given such collectors by this act, who shall be allow'[*e*]d, in the county of Suffolk, one and a half per cent; in the counties of Essex and Middlesex and Plymouth, two per cent, and in the other counties, three per cent on all money by them collected and paid into the treasury, as aforesaid: each collector, before he enters into the said office to give bond, for treble the sum that it was farm[*e*]'d for, in the respective counties, in the year one thousand seven hundred and fifty-seven, to the treasurer of this province, for the time being, and his successors in said office; which bond shall be executed before the next court of general sessions of the peace in the respective counties after such appointment, where the said collectors live, or before two of his majesty's justices of the peace in the respective counties, one to be of the *quorum* (one of the said justices to return the certificate to the clerk of the sessions within thirty days as aforesaid) and be transmitted to the treasurer of the province by the clerk of the peace within such county, within three months after the bond is executed; and the said treasurer shall put in suit the bonds of all such collectors who shall neglect to make due payment within fifty days after either of the times of payment.

Collectors' fees.

Bond to be given to the treasurer for treble the sum that the excise was farmed for.

And be it further enacted,

Penalty for collectors or deputies offending.

[SECT. 20.] That in case any collector of the excise as aforesaid, or his deputy, shall, at any time during their continuance in that

office, wittingly and willingly connive at, or allow any person or persons in their respective divisions, not licenced by the court of general sessions of the peace, their selling any wine, rum or other liquors by this act forbidden, such collector or deputy, for every such offence, shall forfeit the sum of fifty pounds and cost[s] of prosecution; one half of the penalty aforesaid to be to his majesty for the use of this province, the other half to him or them that shall inform and sue for the same, and shall be thenceforward forever disabled for serving in said office: *saving*, that said collector may give a permit to any person to sell rum or other spirits distilled, or wine, in quantity from twenty-five gallons and upwards, agreeable to this act.

Provided, always, and it is the true intent and meaning of this act,—

[SECT. 21.] That if any taverner or retailer shall sell to any other taverner or retailer any quantity of whatever distilled liquors and wine, such taverner or retailer, selling as aforesaid, shall not be held to pay such duty, but the taverner or retailer who is the purchaser shall pay the same; and the seller as aforesaid shall and hereby is required to deliver to the collector of this duty a true account of such liquors sold as aforesaid, and to whom sold. Proviso.

And to the end that the revenue arising from the excise upon spirituous liquors may be increased and raised with more equality,—

Be it enacted,

[SECT. 22.] That from and after the twenty-fifth day of March, one thousand seven hundred and fifty-nine, to the twenty-sixth day of March, one thousand seven hundred and sixty, upon all rum and other distilled spirits, and all wine, imported and manufactured, and sold for consumption within this province, there be laid and hereby is laid the duty of excise following; viz[t].,— Duties to be paid upon all liquors imported or manufactured.

For every gallon of rum and spirits distilled, eightpence;

For every gallon of wine of every sort, one shilling: to be paid to the collector of excise, or his deputy, by every person having permit to sell the said liquors in each county, respectively.

And be it further enacted,

[SECT. 23.] That every person that shall import any of the liquors aforesaid, or to whom any of them shall or may be consigned, shall be and hereby is prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his deputy. And every person distilling or manufact[o][u]ring any of the said liquors, and every person owning or possessing any of them, excepting such as are or may be licenced by the court of general sessions of the peace, as aforesaid, shall be and hereby are prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his deputy, on forfeiture of fifty pounds, and of the value of the liquors so sold; and the said permit shall express the particular county where the said liquors shall be permitted to be sold, and if any person who shall have such permit shall sell and deliver, or cause to be sold and delivered, any of the liquors aforesaid from any other county not mentioned in such permit, he shall forfeit four pounds, to be paid, one third to the prosecutor, and the other two thirds to the collector for the use of this government. Liquors not to be sold by the importer, &c., without a permit.

Provided, nevertheless,—

[SECT. 24.] That the impost officer, and his deputy, shall be and hereby are respectively impowered to grant a permit for selling the liquors aforesaid, or any of them, to any person applying for the same, until[l] a collector be appointed in each county, respectively, to whom the duty or excise shall be paid as aforesaid, and until[l] the collector shall give public notice of his appointment as aforesaid. And the said impost officer, and deputy, shall transmit to the collector of each Proviso.

county an account of the permits by each of them respectively granted to persons living in such county.

And be it further enacted,

Collector applying to a justice for a warrant, may search for liquors supposed to be concealed.

[SECT. 25.] That if the said collector or his deputy, shall have information of any place where any of the liquors aforesaid shall have been sold by any person not having permit, as aforesaid, he may apply to any justice of the peace within the county, for a warrant to search such place, and said justice shall grant such warrant, directed to some proper officer, upon said collector or deputy's making oath that he hath had information as aforesaid, and that he hath just cause to suspect the liquors aforesaid, or some of them, have been sold at such place informed of as aforesaid, and having such warrant, and being attended by such officer, the said collector, or his deputy, may, in the day-time, between sunrising and sun-setting, demand admittance of the person owning or occupying such place, and upon refusal, shall have right to break open said place, and finding such liquors, may seize and take the same into his own custody; and the collector aforesaid, or his deputy, shall be and hereby is impower'[*e*]d to command assistance and impress carriages necessary to secure the liquors seized as aforesaid; and persons refusing assistance or preventing said officers from executing their office, shall forfeit five pounds to his majesty, for the use of the province; and the said collector, or his deputy, shall make reasonable satisfaction for the assistance afforded, and carriages made use of, to secure the liquors seized as aforesaid; and the collector, or his deputy, shall then file an information of such seizure in the inferiour court of common pleas for the county wherein such seizure shall be made: which court shall summon the owner of such liquors, or the occupier of the shop, house, warehouse or distil[l]-house where the same were seized, to appear and shew cause, if any he hath, why the said liquors so seized should not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or make default, the said liquors shall be adjudged forfeited, and the said court shall order them to be sold at public vendue, and the ne[t][*a*]t produce of such sale shall be paid, one third to the prosecutor, the other two thirds to the collector for the use of this government.

Provided,—

Proviso.

[SECT. 26.] That if the liquors seized as aforesaid be less in quantity than one hundred gallons, the collector, or his deputy, shall file an information thereof with one of the justices of the peace within the county where the seizure shall be made, who shall summon the owner or occupier aforesaid in manner as aforesaid, and if such owner or occupier shall not shew cause, or make default as aforesaid, he shall adjudge such liquors forfeited, and shall order them to be sold as aforesaid, and the ne[t][*a*]t produce of such sale to be dispos'[*e*]d of as aforesaid: *saving* to the person convicted liberty of appeal, he entring into recognizance to the king, for the use of the province, in the sum of fifty pounds.

And be it further enacted,

Persons having permit as aforesaid, to render an account to the collector at the end of every half year, saving, &c.

[SECT. 27.] That every person having permit as aforesaid, shall, at the end of each half year, respectively, from the twenty-fifth day of March, one thousand seven hundred and fifty-nine, be ready to render to the collector aforesaid, or his deputy, an account, on oath, of all the liquors aforesaid by him or her, or by any person or persons in his or her behalf, sold; and also of all the aforesaid liquors by him or her imported, distilled or manufactured, or which have come into his or her possession since the twenty-fifth day of March aforesaid, except the same were bought of a licenced person in a quantity less than twenty-five gallons, which in his or her family have been consumed or expended

within each half year, respectively: which account shall express the number of gallons of each kind of the liquors so sold and consumed: and shall pay therefor to the said collector or his deputy the duty aforesaid, excepting for so much as shall have been sold to taverners, innholders or retailers having licence from the sessions as aforesaid, or to any other persons having permit as aforesaid, and so much as shall have been exported out of this province; and if any of said liquors shall have been sold to persons licenced by the sessions, or to persons having permit, said account shall exhibit the names of such licenced persons who purchased, and persons having permit, and time when they purchased the same; and the persons accounting shall exhibit a certificate under the hand of the licenced or permitted person purchasing, which shall express the number of gallons, and the kind of the liquors purchased, and the time when the same was purchased, and the name of the town and county wherein such licenced or permitted person lives, and shall lodge the said certificate with the said collector or his deputy; and for the quantity of said liquors mentioned in such certificate, the said collector or his deputy shall not demand any duty, but shall deliver said certificate to the collector of the county wherein such licenced or permitted persons, signing the same, lives: which last-mentioned collector or his deputy shall settle with such licenced or permitted person for the duty aforesaid which may be due from him or her.

Persons having permit as aforesaid, to give an account of liquors by them sent out of the province.

[Sect. 28.] And if any person having a permit or licence as aforesaid, shall ship or export any of the liquors aforesaid out of this province in a quantity not less than thirty gallons, and shall make an entry thereof with the collector aforesaid, or his deputy, and shall produce to such collector or his deputy, when he comes to settle his account of excise, one of the receipts or bills of lading given therefor by the master of the vessel[1] on board which such liquors shall be shipped (or if it shall be carried out of the province by land or in small boats, then of the person who is master of the land-carriage or boat) expressing the quantity thereof and the time of their being shipped, and shall lodge such receipt or bill of lading with the collector or his deputy aforesaid, and at the same time shall swear that such liquors are *bonâ fide* sent, or intended to be sent, out of the province, he or she shall not be held to pay thereon the duty aforesaid.

Persons not having permit, to render an account, &c.

[Sect. 29.] And if any person not having permit or licence shall purchase for exportation out of this province any of said liquors in a quantity not less than thirty gallons of a person having permit or licence, the purchaser shall make entry with the collector or his deputy, and at the same time swear that such liquors are *bonâ fide* sent, or intended to be sent, out of this province, and shall within ten days after shipping the same deliver one of the receipts or bills of lading given for such liquors, as aforesaid, to the person of whom he purchased the same, or be subject to pay the amount of the duty thereon to the person of whom he purchased the same as aforesaid, who shall pay such duty to the collector or his deputy; but if the purchaser aforesaid shall deliver such receipt or bill of lading as aforesaid, and it be lodged with the collector or his deputy, then, for the quantity of said liquors mentioned therein, the collector or his deputy shall not demand any duty.

Penalty for masters or others giving certificate without receiving the liquors.

[Sect. 30.] And if the master of any vessel[1], or any other person, shall give such certificate, receipt or bill of lading, without receiving the liquors mentioned therein, or if any person shall procure such certificate, receipt or bill of lading, with design to defraud the government, and shall be thereof convicted, they and each of them shall forfeit and pay the sum of one hundred pounds; two thirds for the use of this government, and the other third for the use of the prosecutor.

And if any such certificate, receipt or bill of lading shall be forged, counterfeited or altered, the person forg[e]ing, counterfeiting or altering shall incur[r] the penalty of one hundred pounds.

Provided, nevertheless,—

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[SECT. 31.] That the person having permit as aforesaid, shall not sell any of the liquors aforesaid in a quantity less than twenty-five gallons (to be sold and delivered to one person at one time), unless he or she hath licence from the court of general sessions of the peace, as aforesaid, on pain of incurring the several fines and penalties in the former part of this act laid upon those persons who sell the liquors aforesaid without licence.

Be it further enacted,

Collector to give certificate on penalty.

[SECT. 32.] That the collector aforesaid, or his deputy, when the exporter shall make an entry with him as aforesaid, or shall make an entry with him and swear as aforesaid, shall give to said exporter a certificate of such entry, or a certificate of such entry and oath, on penalty of one hundred pounds for the use of the exporter.

And be it further enacted,

Persons applying for a permit to give bond.

[SECT. 33.] That every person applying to the collector or his deputy, or to the impost officer or his deputy, for a permit, shall give bond, for the use of this province, with or without sureties, in a sum not exceeding two hundred pounds, nor less than twenty pounds, at the discretion of the collector or impost officer, conditioned for the payment of the excise that shall become due according to the account to be exhibited by such person taking such permit; and no person shall have such permit of the collector or impost officer until[l] he hath given such bond.

Preamble.

And whereas the importer of any of the liquors aforesaid, or the person to whom they shall be consigned, may intend the same either for sale or for his or her own private consumption, in which case such importer or consignee is not sufficiently held by any preceeding part of this act to pay the duty or excise aforesaid; wherefore, in order to lay said duty or excise in as equal manner as may be,—

Be it enacted,

Persons importing liquors for private consumption, &c., to render account thereof to the collector.

[SECT. 34.] That every person that shall bring or import into this province, either by land or water carriage, any of the liquors aforesaid either for sale or private consumption, shall, within twenty-four hours, pay or secure to the collector the duties or excise due thereon; but in case such importer or consignee be licenced or permitted, then he shall be held only to report the same to the collector of excise, and at the end of each half-year, respectively, shall make out an account expressing the kind and full quantity of the liquors aforesaid, imported or consigned as aforesaid; and when the account is rendered to the collector or his deputy, it shall be upon oath, and such importer or consignee shall pay to the said collector or his deputy, on the liquor or liquors mentioned in said account, the duty of excise afores[*ai*]d, deducting ten per cent for leakage; and in case of failure herein, the offender shall pay a fine of four pounds, and treble duty or excise on the quantity so imported or brought in, one third of which shall be for the use of the province, the other two thirds for him or her that shall inform and sue for the same.

Collector may apply to two justices for a citation, where he may suspect persons giving a false account, &c.

[SECT. 35.] And if said collector or his deputy shall have reason to suspect any person of bringing or importing into this province, either by land, or water carriage, any of the liquors aforesaid, without having enter'[*e*]d the same and secured the duties or excise aforesaid, the said collector may apply to two of the next justices of the peace to such suspected person, and within the county where he lives, and on making oath that he so suspects such person said justices shall issue a

process under their hands and seals, directed to the sheriff or his deputy, or constable, requiring him to summons such suspected person, and oblige him to give security to the amount of one hundred pounds, to appear and answer and respond the judgment that shall be given on the premises; and in case such person shall not give such security, to bring him before such justices at the time that said justices in such process shall appoint; and when the parties shall be before them, the said justices shall examine into the cause of complaint; and if it shall appear, either by confession of the party, or by the evidence of one credible witness, that he or she, or any one on his or her behalf, has imported, or has had any of the liquors aforesaid consigned to him or her, without having entered the same and secured or paid the duty or excise as aforesaid, such suspected person shall then render a full account, on oath, of the kinds and quality of the liquors imported or consigned as aforesaid, and shall pay on such liquors, or give security to pay the aforesaid fine of four pounds, and treble duty or excise as aforesaid, one third for the use of this government, the other two thirds for the informer and prosecutor, and costs.

[Sect. 36.] And said justices are hereby impowered to make up judgment and award execution accordingly: *provided*, the said fine and treble damage exceed not six pounds, then said justices shall bind the offender to answer his offence at the next court of general sessions of the peace for the county where the offence was committed, and such offender shall enter into recognizance, with two sufficient sureties, to answer for his offence, in the sum of fifty pounds; and any person or persons upon refusing to render such account and paying as aforesaid, shall forfeit fifty pounds, one third for the use of the prosecutor, the other two thirds for the use of this government, in lieu of such fine and treble duty, to be recovered as is hereafter provided in this act.

[Sect. 37.] And if no confession be made by such suspected person, and no evidence produced as aforesaid, and it shall appear to the justices before whom the same is tryed that there is sufficient ground of suspicion, the suspected person may then clear him- or herself from the complaint aforesaid, by taking an oath in the form following:—

Form of the oath.

You, A. B., do swear that you have not, directly or indirectly, either by yourself, or any person in your behalf, imported into this province any rum, spirits distilled or wine, and that you have not had any of said liquors directly or indirectly consigned to you, but what you have paid, or secured to be paid, the duty or excise agreeable to an act of this province, made in the thirty-second year of his majesty's reign, intit[*u*]led "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." So help you God.

—which oath the said justices are hereby impower'[*e*]d and required to administer.

Penalty for refusing to take the oath.

[Sect. 38.] And if such suspected person shall refuse to take said oath, and shall neglect to appear upon the citation aforesaid, he or she shall pay the cost of citation, and shall forfeit the sum of fifty pounds, one third for the use of the prosecutor, the other two thirds for the use of this government, and costs of prosecution; but if such suspected person shall take the said oath, the costs of citation or warrant shall be paid by the collector or his deputy, respectively, who appl[*y*'][*ie*]d for such citation or warrant; who shall also pay to the person cited or apprehended, and taking said oath, the sum of twenty shillings; and in case any person shall be served with the process aforesaid, in manner aforesaid, and shall not appear according to the tenor thereof, said justices shall make a record thereof, and the security taken by the sheriff or his deputy, or constable, as aforesaid, shall be deemed for-

feited, and the same by said collector may and shall be put in suit in any court proper to try the same, and the sum recovered shall be divided, one third to his majesty for the use of this province, and the other two thirds to such collector.

And be it further enacted,

Collector to grant a permit on penalty.

[SECT. 39.] That the collector, or his deputy, shall be and hereby is obliged to grant a permit, under his hand, to every person applying for the same, on penalty of two hundred pounds, to and for the use of the person making application; which permit shall be in the form following; viz[t].,—

Form of the permit.

You, A. B. of C., in the county of D., are hereby permitted to sell rum and other distilled spirits, and wine, or any of said liquors, within the county of , until the day of , one thousand seven hundred and sixty, pursuant to an act of this province, made in the thirty-second year of his majesty's reign, intit[*u*]led "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." Dated at C., this day of , 175 .

A. B., *collector (or deputy collector) of excise for the county aforesaid.*

Fee for a permit.

And for such permit the said collector or deputy shall be [i][*e*]ntit[*u*]led to rec[ie][*ei*]ve twopence, and no more; and the like sum for an entry made with him, and the like sum for a certificate given by him.

And be it further enacted,

Collector to keep an office in each seaport town, &c.

[SECT. 40.] That the collector of excise, either by himself or his deputy, shall keep an office in each seaport town within his county, where he or his deputy shall give his attendance on every Thursday, from nine o'clock in the morning to twelve at noon, to grant permits, rec[ie][*ei*]ve entries, give certificates, &c.

Provided,—

[SECT. 41.] That in the town of Boston such an office shall be kept, and attendance given on every day, Lord's day only excepted, within the hours aforesaid, of each of said days, respectively.

Provided, also,—

[SECT. 42.] That the said collector or his deputy, on application made, shall at any other time grant permits, rec[ie][*ei*]ve entries, and give certificates aforesaid.

Preamble.

And whereas persons not belonging to this province may import the liquors aforesaid, and take permit to dispose of the same, and may go out of the province before the time comes about when persons selling said liquors are held to account with the collector, and by that means may avoid paying the duty upon what has been so disposed of; for preventing whereof,—

Be it enacted,

Persons importing liquors as aforesaid, to give bond.

[SECT. 43.] That every person importing the liquors aforesaid, and applying to the collector or his deputy for a permit to sell the same, shall give bond to said collector in a sum not exceeding two hundred pounds, nor less than twenty pounds, with or without sureties, at the discretion of the collector, that he will render to said collector or his deputy an account, on oath, of the kind and full quantity of the liquors aforesaid sold by him, or by any person or persons on his behalf, and that he will pay thereon the duty or excise aforesaid before he leaves the province; and if such person shall refuse to give such bond, the said collector or his deputy shall not be obliged to grant him a permit, anything in this act to the contrary notwithstanding; and if such person shall sell any of the liquors aforesaid without permit, he shall be subject to all the penalties that other persons selling without permit are subject to; or if such person shall give bond as aforesaid, and shall leave the province before such bond be discharged, the col-

lector may bring his action on said bond against the surety or sureties, for the recovery of the sum in such bond mentioned, which shall be, one third for the use of the prosecutor, the other two thirds for the use of this government.

Be it further enacted,

Deputy collectors liable to military duties.

[SECT. 44.] That no person shall be exempted from any military duties by means or on account of his being appointed a deputy collector of the duties of excise of spirituous liquors, but shall, to all intents and purposes, be liable to train, be impressed and perform every other military duty, as if such person had not been appointed a deputy collector as aforesaid.

Be it further enacted,

All persons who had permits or license to sell liquors, and shall not renew the same, to account for the duties thereof.

[SECT. 45.] That all persons who took out permit[t]s in the preceeding year, and do not renew the same, shall, at the end of each half year from and after the twenty-sixth day of March next, and until the twenty-sixth day of March, one thousand seven hundred and sixty, render to the collector or his deputy that shall or may be appointed in the respective counties by virtue of this act, an account, on oath, of all liquors remaining in their hands and consumed in his, her or their families during the continuance of this act, and pay the duties herein imposed, deducting ten per cent for leakage, upon penalty of fifteen pounds, one half to the informer, the other half to and for the use of this province.

Be it further enacted,

Collector of the duties of excise to account for all wine, &c., sold or consumed by them.

[SECT. 46.] That every person that has been or may be appointed collector of the duties aforesaid, who shall import into this province or shall have, by consignment or otherwise, or shall sell or dispose of any wine, rum, or spirits distilled, limes, lemmons or oranges, or shall use or consume the same, such collector shall take, keep and render a like account thereof, upon oath, to the province treasurer, who is hereby impowered to administer the same in the form by this act prescribed, and pay to him the like duties thereon as such person so appointed collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the collector of the duties aforesaid; and that the same be done in like manner and time, and under the like pains and penalties, as by this act in such cases is provided.

Be it further enacted,

How fines, &c., arising by this act are to be disposed of.

[SECT. 47.] That all fines, penalties and forfeitures, arising or accruing by any breach of this act, and not otherwise appropriated, shall be, two thirds to his majesty, for the use of this government, and the other third for the use of the prosecutor; to be recovered by action or information in any of his majesty's courts of record. [*Passed March* 20;* *published March* 22, 1759.

CHAPTER 30.

AN ACT FOR CONTINUING THE ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS WITHIN THIS PROVINCE.

Be it enacted by the Governo[u]r, Council and House of Representatives,

1756-57, chap. 30. All matters in the afore-cited

That the act made and passed in the thirtieth year of his present majesty's reign, intituled "An Act for establishing and regulating fees of

* March 28 according to the record.

act to be continued till 10th of June, 1759.

the several officers within this province," and every clause thereof, and every matter and thing therein contained, be and hereby is and shall be continued to the tenth day of June next, and from thence to the end of the then next session of the general court, and no longer. [*Passed March* 26;* *published March* 22†, 1759.

* March 28, according to the record. † Endorsement on the engrossment.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE ELEVENTH DAY OF APRIL, A. D. 1759.

CHAPTER 31.

AN ACT IN ADDITION TO AN ACT, INTIT[*U*]LED "AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION AGAINST CANADA," MADE IN THE THIRTY-SECOND YEAR OF HIS PRESENT MAJESTY'S REIGN.

Preamble. 1758-59, chap. 21, § 5.

WHEREAS in and by an act, intit[*a*]led "An Act for the speedy levying of soldiers, for an intended expedition against Canada," it is, among other things, enacted, that in every company in which there are any of the people called Quakers, liable to be impressed, the captain or chief officer of such company is therein impowered and required to engage and employ a sum, not exceeding thirteen pounds six shillings and eightpence per man, in order to hire into the service so many men as by said act would have been liable to be impressed from such people called Quakers, in a due proportion to the other part of his company, which sum of thirteen pounds six shillings and eightpence is found by experience to be insufficient for the purpose aforesaid.—

Be it therefore enacted by the Governour, Council and House of Representatives,

Captain or chief officer of military companies allowed to advance £5 in addition to £13 6*s.* 8*d.* already granted, for hiring men in lieu of Quakers.

That the captain or chief officer of such companies, in which there [*are*] any of the people called Quakers, be hereby impowered and required, on or before the seventeenth day of May next, to engage and employ a further sum, not exceeding five pounds, in addition to said sum of thirteen pounds six shillings and eightpence, for the purpose in said act mentioned, the sums so engaged to be paid out of the public treasury upon an account thereof exhibited to and allowed by the governour, with the advice and consent of the council, and to be levied upon the people called Quakers, born both upon train-band and alarm-list, in such manner as is provided in said act for levying the sum of thirteen pounds six shillings and eightpence per man. [*Passed April* 24; *published April* 25, 1759.

CHAPTER 32.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF TWENTY-TWO THOUSAND POUNDS.

Preamble.

WHEREAS this court have agreed to raise the further number of fifteen hundred men by inlistment, to co-operate with his majesty's

forces for the reduction of Canada, and it is necessary that there be a speedy supply of money for the levying and cloathing the same,—

Be it enacted by the Governo[u]r, Council and House of Representatives,

Treasurer empowered to borrow £22,000.

[SECT. 1.] That the treasurer of this province be and he hereby is directed and impowered to borrow from such person or persons as shall be willing to lend the same, a sum not exceeding twenty-two thousand pounds, in Spanish mill'd dollars, at six shillings each, or in coined silver, sterling alloy, at six shillings and eightpence per ounce.

[SECT. 2.] And for the sum of nine thousand pounds so borrowed, the treasurer shall give a receipt and obligation in the form following; viz[t].,—

Form of treasurer's receipts.

Province of the Massachusetts Bay, the day of , 1759. Received of the sum of , for the use and service of the province of the Massachusetts Bay; and in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or order, the second day of June, one thousand seven hundred and sixty, the aforesaid sum of , in coined silver, of sterling alloy, at six shillings and eightpence per ounce, or in Spanish mill'd dollars, at six shillings each, with interest at the rate of six per cent per annum.

Witness my hand, H. G.

[SECT. 3.] And for the remaining sum of thirteen thousand pounds the treasurer shall give a receipt and obligation in the form following; viz[t].,—

Province of the Massachusetts Bay, the day of , 1759. Received of the sum of , for the use and service of the province of the Massachusetts Bay; and in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or order, the second day of June, one thousand seven hundred and sixty-one, the aforesaid sum of , in coined silver, of sterling alloy, at six shillings and eightpence per ounce, or in Spanish mill'd dollars, at six shillings each, with interest at the rate of six per cent per annum.

Witness my hand, H. G.

—and no receipt or obligation shall be given for less than six pounds.

And be it further enacted,

[SECT. 4.] That the aforesaid sum of twenty-two thousand pounds, when received into the treasury, shall be issued out by the governor or commander-in-chief, by and with the advice of the council, in the manner and for the purposes following; viz[t].: The sum of twenty thousand pounds, part of the said sum of twenty-two thousand pounds, for the paying the bounty to the men that shall inlist on or before the tenth day of May next for the expedition against Canada, as also the allowance voted by this court to recruiting officers, pursuant to grants that are or shall be made by this court; and the further sum of two thousand pounds, part of the aforesaid sum of twenty-two thousand pounds, shall be applied for the payment of the commissary's disbursements in purchasing necessary supplies for the forces that shall go in said expedition, hiring of vessels and transporting goods, pursuant to grants for that purpose which are or shall be made by this court.

£20,000 for bounty to enlisted men and recruiting officers.

And as a fund and security to enable the treasurer to discharge the obligations by him given in pursuance of this act,—

Be it enacted,

Tax granted of £24,100

[SECT. 5.] That there be and hereby is granted to his most excellent majesty, a tax of twenty-four thousand one hundred pounds, to be levied on polls and estates within this province; and that nine thousand

five hundred and forty pounds, part of the aforesaid sum of twenty-four thousand one hundred pounds, be levied on the several towns and districts within this province, according to such rules and in such proportions as shall be agreed upon and ordered by the general court of this province on or before the first day of October, one thousand seven hundred and fifty-nine, and to be paid into the public[k] treasury on or before the twentieth day of April, one thousand seven hundred and sixty; and the sum of fourteen thousand five hundred and sixty pounds, the remaining part of said sum of twenty-four thousand one hundred pounds, according to such rules and in such proportions on the several towns and districts aforesaid, as shall be agreed on and ordered by the general court in their sessions in May, one thousand seven hundred and sixty, and shall be paid into the publick treasury on or before the last day of March, one thousand seven hundred and sixty-one.

And be it further enacted,

Rule for apportioning the tax in case no tax act shall be agreed on.

[SECT. 6.] That in case the general court shall not, before the first day of October, one thousand seven hundred and fifty-nine, and before their sessions in May, one thousand seven hundred and sixty, and in their sessions in May, sometime before the twentieth of June, one thousand seven hundred and sixty, agree and conclude upon an act apportioning the sums which by this act are engaged to be in each of said years apportioned, assessed, and levied, that then, and in such case, each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[SECT. 7.] And the province treasurer is hereby fully impowered and directed, sometime in the month of October, one thousand seven hundred and fifty-nine, and in the month of June, one thousand seven hundred and sixty, to issue and send forth his warrants directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportion of the sums before directed and engaged to be assessed, to be paid into the public[k] treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as have been given in the last preceeding tax act.

And whereas, humble trust and dependance is had by the general assembly on a reimbursement of the charges arisen on account of the expedition in one thousand seven hundred and fifty-eight,—

Be it further enacted,

Proviso in case a parliament grant should be received on or before the 1st of October, 1759.

[SECT. 8.] That in case such reimbursement be made, and the money shall arrive from Great Britain, and be received into the province treasury on or before the first day of October, one thousand seven hundred and fifty-nine, and be sufficient for discharging the obligations given by the treasurer in pursuance of this act, then, and in such case, the several taxes which otherwise by this act are ordered to go forth, shall be and hereby are declared to be null and void.

[SECT. 9.] And if the sum that shall be received from Great Britain shall not be sufficient for the discharging the obligations given by the treasurer and interest thereon, in pursuance of this act; then, and in such case, the tax or taxes ordered by this act shall go forth for a sum to make good the deficiency, and for such sum only. [*Passed April* 24; *published April* 25, 1759.

CHAPTER 33.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT FOR REGULATING OF FENCES, CATTLE, &c."

Be it enacted by the Governo[u]r, Council, and House of Representatives,

1693-4, chap. 7.

Proprietors of lands agreeing to improve the same in one common inclosure, empowered to make rules for the improvement of the same, &c.

[SECT. 1.] That when and so often as the proprietors of certain tracts of land, so situated as that they have or do agree to improve the same in one common inclosure, they shall have it in their power, by a major vote of the said proprietors, legally met (the votes to be reckoned according to the interest of each voter), to make such rules relating to the securing and improvement of the same, as they shall think just and equitable; and for that end, said proprietors shall annually meet together sometime in the month of May this year, and in the month of March in future years, during the continuance of this act; and, for the calling said meetings, any one of the proprietors of such tracts of land may apply to a justice of the peace, by a request in writing, under his hand, setting forth the ends and business of such meeting; such justice is hereby required and authorized to issue a warrant to said proprietor, directing him to post up a notification, in writing, in some publick place in the town where said land lays, fourteen days before the time appointed for said meeting, setting forth the time, place, ends, and purposes of said meeting, which shall be a legal warning. And all votes passed by the proprietors then present relative to the matters and things contained in said notification, and entred in a book by the proprietor that called the meeting, he being under oath for that purpose, shall be binding upon all the proprietors.

Provided, nevertheless,

Proviso.

[SECT. 2.] That when and so often as one or two men shall own the greater part of the lands, [i][e]nclosed, as above expressed, and he or they shall pass such vote or votes at any meeting, as the minor part of said proprietors do not agree to, the said minor part of said proprietors may apply to two justices of the peace, *quorum unus*, within the county in which such land l[y][*i*]es, for process, which justices are hereby authorized to issue a writ of summon, directed to the proprietor or proprietors who passed such vote or votes, requiring him or them to appear before the said justices fourteen days after the date of said summon; and the said justices are hereby authorized and impowered to hear, examine, and enter final judgment concerning the matter in controversy, and award a writ of execution upon such judgment, returnable to them in thirty days from the date thereof. And in case any of the proprietors shall neglect seasonably and sufficiently to make up his part of fence, he shall be liable to the penalty by law provided to enforce the proprietors of common fields to make and maintain their fences; and in case any proprietor turn stock into said inclosure before the day agreed upon by the vote of the proprietors, or shall, after that day, turn in more stock than his proportion, he shall be deemed a trespasser, and his creatures so put in shall be proceeded with by any of the proprietors as creatures taken damage feasant to all intents and purposes, as much as tho' he owned no lands in said inclosure; any law, usage, or custom to the contrary notwithstanding.

Limitation.

[SECT. 3.] This act to continue and be in force for the space of two years from the first day of May next, and no longer. [*Passed April* 24; *published April* 25, 1759.

CHAPTER 34.

AN ACT IN ADDITION TO, AND FOR EXPLANATION OF, AN ACT, INTITULED "AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED AND WINE, AND UPON LIMES, LEMMONS AND ORANGES."

Preamble. 1758-59, chap. 29, § 1, 2.

Whereas, in and by an act made and passed in the present session of the general court, intituled "An Act for granting unto his majesty an excise upon spirits distilled and wine, and upon limes, lemmons and oranges," it is, among other things, provided, that every person, then licenced, or that should be thereafter licenced, to retail rum or other spirits distilled, or wine, shall pay a duty of eight shillings for every hundred of lemmons or oranges sold, and a duty of three shillings for every hundred of limes sold, and so proportionably for any other quantity or number: whereupon a doubt hath arisen, whether the duties aforesaid are to be paid for any limes, lemmons and oranges other than such as any taverner, innholder, victualler, or retailer shall have used and consumed in making punch, or otherwise for sale,—

Be it therefore enacted by the Governo[u]r, Council, and House of Representatives,

Duties to be paid for such limes, &c., only as are used in making punch.

[Sect. 1.] That the act aforesaid be so understood as that the duties aforesaid shall be paid for such limes, lemmons and oranges only as any taverner, innholder, victualler or retailer shall have used and consumed in making punch, or otherwise for sale; and that every taverner, innholder, victualler and retailer, shall render an account to the collector of such limes, lemmons and oranges, and of such only.

And be it further enacted,

[Sect 2.] That the oath, to be administ[e]red by the collector to every taverner, innholder, victualler and retailer, upon rend[e]ring his account, shall be in the form following, and in no other:—

Form of the oath to be administered by the collector.

You, A. B., do swear that the account by you now rendered is, to the best of your knowledge, a just and true account of all wines, rum and distilled spirits, you had by you, or in your possession, on the twenty-sixth day of March, one thousand seven hundred and fifty-nine, and also of all the wine, rum and other distilled spirits bought, distilled, taken in or received by you, or by any person or persons for or under you, or by or with your knowledge, allowance, consent or connivance, and that there still remains thereof in your possession unsold, so much as is in this account said to remain by you unsold; and that you do not know that there hath been by you, or by any other person or persons for or under you, or by your or their order, allowance, consent or connivance, either directly or indirectly sold, used or consumed any wine, or any liquor for, or as, wine; any rum or distilled spirits, or liquor for, or as, rum or distilled spirits; or that there have been any limes, lemmons or oranges, by you, or by any other person or persons for or under you, or by your order, consent, allowance or connivance, used or consumed in making punch, or otherwise for sale, since the twenty-fifth day of March, one thousand seven hundred and fifty-nine, besides what is contained in the account by you now rendered. So help you God.

—[*Passed April* 24; *published April* 25, 1759.

CHAPTER 35.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED OR NEAR EXPIRING.

Preamble. Sundry laws expired or near expiring, revived and continued.

WHEREAS the several acts hereinafter mentioned, which are now expired, or near expiring, have been found useful and beneficial; namely, two acts made in the thirteenth year of his present majesty's reign: the one intit[*u*]led "An Act for the effectual preventing of horses, neat-cattle, sheep and swine from running at large or feeding upon a certain island called Plumb Island, lying in Ipswich Bay in the county of Essex"; the other intit[*u*]led "An Act in addition to the several laws of this province relating to common roads and private ways"; and one act made in the twenty-sixth year of his present majesty's reign, intit[*u*]led "An Act for further regulating the proceedings of the court of probate within this province,"—

1739-40, chap. 8.

1739-40, chap. 12.

1752-53, chap. 12.

Be it therefore enacted by the Governour, Council, and House of Representatives,

Their continuance to 10th of June, 1766.

That the two first-mentioned acts, which are near expiring, be and they hereby are, continued; and that the last-mentioned act, which is expired, with all and every article, clause, matter and thing therein contained, be and hereby is revived; and that all the said acts shall be in force until the tenth day of June, in the year of our Lord one thousand seven hundred and sixty-six, and no longer. [*Passed April* 24; *published April* 25, 1759.

CHAPTER 36.

AN ACT IN ADDITION TO AN ACT, [E][*I*]NTITULED "AN ACT FOR THE EFFECTUAL PREVENTING THE CURRENCY OF THE BILLS OF CREDIT OF CONNECTICUT, NEW HAMPSHIRE AND RHODE ISLAND WITHIN THIS PROVINCE," MADE AND PASSED IN THE THIRTIETH YEAR OF HIS PRESENT MAJESTY'S REIGN.

Preamble.

WHEREAS it frequently happens that persons who are entit[*u*]led to take out writs of execution upon judgments by them obtained are absent out of this province, or employed in his majesty's service in such parts of it as are very remote from the places where such judgments are entred, and so cannot take the oath by law appointed to be taken before executions are issued; wherefore for remedy of these inconvenienc[*i*]es,—

1756-57, chap. 34, § 6.

Be it enacted by the Governo[u]r, Council and House of Representatives,

Clerks of the courts to issue execution to persons being absent from the province, &c.

[SECT. 1.] That when any person or persons shall be absent from this province, or employed in his majesty's service in such parts thereof as are very remote from the courts or places where they recover judgments, in all such cases it shall be lawful[l] for the clerks of the superiour court of judicature, court of assize, and general goal delivery, and of the inferiour courts of common pleas, or other court of law, to issue writs of executions (when applied for) upon judg[e]ments recovered by such person or persons, as are before mentioned, notwithstanding he or they have not taken the oath appointed to be taken, by an act made and passed in the thirtieth year of his majesty's reign; *provided, nevertheless*, that before executions are issued as aforesaid, a certificate in

Proviso.

writing, under the hand of any justice of the peace for any county in the province, shall be delivered to the clerk who issues the execution, setting forth that at the date of said certificate the person or persons on whose behalf execution is apply'd for is then out of the province or employ[e]'d in his majesty's service as aforesaid.

[SECT. 2.] This [bill] [*act*] to be in force till the last day of March, one thousand seven hundred and sixty-two, and no longer. [*Passed April* 24; *published April* 25, 1759. Limitation.

CHAPTER 37.

AN ACT IN ADDITION TO "AN ACT RELATING TO EXECUTORS AND ADMINISTRATORS."

WHEREAS some doubts and questions have arisen upon the construction of some parts of an act, intitled "An Act relating to executors and administrators," whether by force of the same, real estates of the testators and intestate[s] may be taken in execution for the satisfaction of the judgments recovered against their estate in the hands of their executors and administrators, and in what manner the same should be levied, and whether executors and administrators, who by neglecting to raise money out of the assetts by sales of personal estate, or real estate if need be, shall subject the estates of their testators or intestates to the cost and loss that must attend such a method of paying debts, shall be deemed guilty of waste or breach of trust,— Preamble. 1703-4, chap. 12, 4 Mass., 657.

Be it enacted by the Governo[u]r, Council and House of Representatives,

[SECT. 1.] That the real estates of any testators or intestates are and shall be liable to be taken and levied upon by any execution issuing upon judgments recovered against executors or administrators in such capacity, being the proper debts of the testators or intestates, and that the method of levying, apprai[s][z]ing, recording, and right of redemption shall be the same as by law is provided respecting other real estates levied upon and taken in execution. Estates of testators and intestates liable to execution, &c. 1719-20, chap. 9.

And be it further enacted,

[SECT. 2.] That when any executor or administrator shall neglect or unreasonably delay to raise money out of his testator's or intestate's estate, by collecting the debts due to the estate, and selling the personal estate, or the real estate (if need be, and he has power or can obtain leave to sell the same), or shall neglect to pay what he has in his hands, and by such neglect or delay shall subject his testator's or intestate's real or personal estate to be taken in execution, the same shall be deemed waste in him and unfaithful[l] administration. Neglect of executors and administrators deemed waste, &c.

And whereas, it sometimes may happen that the estate taken by execution as aforesaid, or sold by virtue of a licence from the superio[u]r court, has been specially devised by the testator to one or more persons, who by means of such levying or sale may be deprived of his or their legacy or devise; therefore,— Preamble.

Be it further enacted,

[SECT. 3.] That whenever any testator in and by his last will and testament hath given or shall give any chatt[le][el]s or real estate to any person or persons, and the same hath been or shall be taken in execution in manner aforesaid, or sold by order of the superiour court, in such case all the other legatees, devisees or heirs shall refund their average or proportionable part of such loss to such person or persons Real estate or chattels of testators taken in execution to be borne proportionably among the legatees, &c.

from whom the bequest shall be so taken away, and he or they shall and may maintain a suit or action to compel such contribution.

Limitation. [SECT. 4.] This act to continue and be in force for the space of five years from the seventeenth day of April, one thousand seven hundred and fifty-nine, and no longer. [*Passed April* 24; *published April* 25, 1759.

CHAPTER 38.

AN ACT FOR RAISING A FURTHER SUM OF MONEY BY A LOTTERY OR LOTTERIES FOR COMPLEATING THE PAVEMENT OF THE NECK LEADING OUT OF THE TOWN OF BOSTON, CALLED BOSTON NECK.

Preamble. 1755-56, chap. 24. WHEREAS the great and general court at their sessions in January, one thousand seven hundred and fifty-six, by an act pass'd impowered the then selectmen of Boston to raise by a lottery or lotteries the sum of three thousand pounds, to be applied for pav[e]ing and repairing said neck; and whereas said sum has been accordingly raised, and the same expended for the purposes for which it was rais'[*e*]d so far as it would extend, but it being insufficient to compleat and finish said pavement and repair said neck 'till it meets with Roxbury bounds; for raising a sum sufficient for finishing said neck and paying the charges of said lotteries,—

Be it enacted by the Governour, Council and House of Representatives,

Messrs. Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes, John Scollay, Benjamin Austin, and Andrew Oliver, junior, selectmen of Boston, allowed and empowered to set up one or more lotteries, and how the money raised thereby shall be disposed of. [SECT. 1.] That Mess[*ieu*]rs Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes, John Scollay, Benjamin Austin and Andrew Oliver, Junr., or any three of them, be and they hereby are allowed and impowered to set up and carry on one or more lottery or lotteries, amounting in the whole to such a sum as, by deducting ten per cent out of the same, or out of each prize or benefit-ticket, may raise one thousand pounds, and no more; and that said sum of one thousand pounds, raised by the deduction aforesaid, be, by the persons aforenamed, paid to the town treasurer of Boston aforesaid, within ten days after the sale of the tickets of said lottery shall be compleated: which sum of one thousand pounds shall be applied towards finishing and compleating the pavement of said neck, the walls on each side, and gravelling and repairing the same: *saving* so much of said sum as shall be sufficient to defrey the necessary charges of the lottery or lotteries aforesaid; and to such other use as is hereafter mentioned.

And be it further enacted,

Any three of them may be the managers or directors. [SECT. 2.] That the persons aforesaid, or any three of them, be, and they hereby are declared to be, the managers or directors of each and every of said lottery or lotteries, and are hereby impower'[*e*]d to make all necessary rules, and use all necessary methods, to manage and direct the same, until[*l*] the whole shall be fully compleated and finished.

And be it further enacted,

Managers and those employed by them to be under oath, &c. [SECT. 3.] That each manager or director aforesaid, before his acting in that capacity, and also all other persons employed about said lottery or lotteries, shall be sworn to the faithful discharge of the trust reposed in them; and said managers or directors are hereby required in all their proceedings relating to said lottery or lotteries, to conform to the directions mentioned in the aforerecited act pass'd in January, one thousand seven hundred and fifty-six, and to keep a particular account

of their attendance, and have the same allowance as is therein mentioned.

And be it further enacted,

Owners of benefit-tickets seasonably to apply for the same.

[SECT. 4.] That the owner or owners of any benefit-tickets shall not be entitled to the same unless they apply within the time limit[t]ed by said act; and if any person shall forge or counterfeit any ticket or tickets, to be made in consequence of this act, or alter any of the numbers thereof, or utter, vend, barter or dispose of any false, altered, forged or counterfeit ticket or tickets, or bring such ticket or tickets, knowing the same to be such, to the said directors, or any of them, or to any person, with a fraudulent intent, every person or persons, being thereof convicted, in due form of law, shall be punished either by setting in the pillory, whipping, fine or imprisonment, at the discretion of the court before whom the conviction may be, according to the nature and aggravation of the offence; and [*the*] said managers or directors are hereby vested in every respect with the same powers and authorities, as the managers or directors were by said act pass'[e]d in January, one thousand seven hundred and fifty-six.

Penalty for forging or counterfeiting tickets, &c.

Town of Boston directed.

[SECT. 5.] And the town of Boston are hereby directed and ordered to pave the bottom or lower end of Prince Street, in said town of Boston, leading to Charlestown Ferry, so far as may be convenient, the expence whereof shall be paid out of the monies rais'[e]d by virtue of this act. [*Passed April* 24; *published April* 25, 1759.

CHAPTER 39.

AN ACT FOR RAISING A SUM OF MONEY, BY A LOTTERY OR LOTTERIES, FOR THE PAVING AND REPAIRING THE HIGHWAY IN ROXBURY, FROM BOSTON LINE TO THE FOOT OF THE MEETING-HOUSE HILL, LEADING TOWARDS DEDHAM.

Preamble.

WHEREAS the highway in the town of Roxbury, leading from Boston Neck, so called, to the foot of the meeting-house hill, in the same Roxbury, towards Dedham, by reason of the great number of waggons and other heavy carriages, passing over it, is frequently out of repair, notwithstanding the great cost and expence the town of Roxbury has been yearly at for repairing the same. *And whereas* the paving of the same highway is the most effectual method of repairing and keeping the same in good order and condition, and will require a considerable sum of money to effect it; for the raising whereof,—

Be it enacted by the Governo[u]r, Council and House of Representatives,

Messrs. Joseph Williams, Samuel Heath, Ebenezer Newell, Jeremiah Richards and Joseph Mayo, selectmen of Roxbury, allowed and empowered to carry on a lottery or lotteries for the purposes therein mentioned.

[SECT. 1.] That Messieurs Joseph Williams, Samuel Heath, Ebenezer Newell, Jeremiah Richards and Joseph Mayo, or any three of them, be and hereby are allowed and impowered to set[t] up and carry on one or more lottery or lotteries, amounting in the whole to such a sum as, by drawing or deducting ten per cent out of the same, or out of each prize or benefit-ticket, may raise one thousand six hundred and sixty-six pounds thirteen shillings and fourpence, and no more; and that the said sum of one thousand six hundred and sixty-six pounds thirteen shillings and fourpence, raised by the [d][r]eduction aforesaid, be, by the persons above named, paid to the town treasurer of Roxbury aforesaid, within ten days after the sale of the ticket[t]s of said lottery shall be compleated; or, if the persons aforesaid shall think fit[t] to raise said sum of one thousand six hundred and sixty-six pounds thirteen shillings and fourpence by more lotteries than one, then the money

raised by each lottery, by the deduction aforesaid, shall, within ten days after the tickets of each lottery, respectively, are sold, be paid by them to the treasurer aforesaid; which sum of one thousand six hundred and sixty-six pounds thirteen shillings and fourpence, or whatever part thereof shall be so raised, shall be appl[y][*i*]ed towards the paving and repairing the highway aforesaid; *saving* so much of said sum as shall be sufficient to defrey the necessary charges of the lottery or lotteries aforesaid; and to no other use whatsoever, except in case of a surplusage, as in this act hereafter mentioned.

And be it further enacted,

Any three of them may be the managers or directors.

[SECT. 2.] That the persons aforesaid, or any three of them, be, and they are hereby declared to be, the managers or directors of each and every of the said lottery or lotteries, and are hereby impowered to make all necessary rules, and use all necessary methods, to manage and direct the same, till the whole shall be fully compleated and finished.

And be it further enacted,

Said managers to dispose of the tickets, make preparation for the drawing, and to give public notice of the same.

[SECT. 3.] That the s[*ai*][a] managers or directors, with all convenient speed, after the sale of the tickets of said lottery, or of each lottery, respectively, shall make preparation for the drawing the same, and shall give notice in the public prints, of the time and place of drawing, at least ten days before the said drawing begins, that any of the adventurers, if they think fit[t], may be present at the drawing; and after the said drawing commences, they, the said managers, may adjourn from day to day, till the whole number of ticket[t]s of each lottery, respectively, shall be drawn: *provided* the drawing of any one of said lotteries continue not longer than fifteen days, exclusive of Lord's Days.

Managers directed in their proceedings.

[SECT. 4.] And the said managers or directors shall make, or cause to be made, a fair entry, in a book provided for that purpose, of all the tickets so drawn, and of the blanks and prizes drawn, answering to said tickets, and within ten days after the drawing of each lottery, respectively, shall be finished, they shall cause a list of the benefit-tickets, expressing the number and the amount of each of them, to be printed in the public[*k*] newspapers; at the same time, in the said newspapers, notifying the owners of such benefit-tickets of the time and place when and where they may apply for the payment of such tickets; and if any contention or dispute shall arise in adjusting the property of any of the said benefit-tickets, the major part of the managers shall determine to whom it doth or ought to belong.

And be it further enacted,

Benefit-ticket to be paid off by the managers within twenty days after drawing.

[SECT. 5.] That the said benefit-tickets shall be paid off by the managers aforesaid within twenty days after the drawing of each lottery, respectively, is finished, upon application of the owner or owners of such tickets, and delivering them up to be cancelled; and to secure the payment of such benefit-tickets to the owner or owners of them, the said managers or directors, and their estates, are hereby held and subjected to satisfy and make good the same, in like manner as they and their estates are subjected by law to satisfy and make good their own proper debts: *provided*, that if the money in said managers' hands shall be lost by fire, or any other extraordinary or unavoidable accident, the said managers, and their estates, shall not be so held and subjected.

And be it further enacted,

Owners of benefit-tickets not applying for their money in one year, in case, shall not be entitled to the same.

[SECT. 6.] That if the owner or owners of any benefit-ticket or tickets shall, for the space of one year after the drawing aforesaid, neglect to apply for the payment of such ticket[t] or ticket[t]s, unless he, she or they shall have been at sea and out of the province for that term of time (and to such persons eighteen months shall be allowed to produce their tickets), he, she or they shall not be entitled to rec[ie][*ei*]ve the same, but such ticket and tickets are hereby declared to be cancelled

and of no value; and the money in the hands of said directors, which was to have been appl[y][*i*]ed to the payment of such ticket[t]s, shall, after the expiration of the term aforesaid, be immediately paid to the town treasurer of said Roxbury for repairing and keeping in repair the highway aforesaid.

And be it further enacted,

[SECT. 7.] That each manager or director aforesaid, before his acting in the capacity of manager or director, as aforesaid, shall take the following oath; viz[t].,—

Manager's, or director's oath.

I, A. B., do swear that I will faithfully execute the trust reposed in me, and that I will not use any indirect act or means to obtain a prize or benefit-lot for myself, or any other person whomsoever, and that I will do the utmost of my endeavo[*u*]r to prevent any undue or sinister practice to be done by any person whomsoever, and that I will, to the best of my judgment, declare to whom any prize, lot or ticket does of right belong, according to the true intent and meaning of the act of this province made in the thirty-second year of his majesty's reign, intit[*u*]led "An Act for the raising a sum of money by a lottery or lotteries, for the paving and repairing the highway in Roxbury, from Boston line to the foot of the meeting-house hill, leading towards Dedham." So help me God.

1758-59, chap. 39.

—which oath shall be administred by any justice of the peace in the county of Suffolk; and every person or persons employed about the lottery or lotteries aforesaid, by the directors aforesaid, shall take an oath for the faithful[l] performance of his trust, to be administred by any one or more of the directors aforesaid, who are hereby impowered to administer the same.

Persons employed about the lottery or lotteries to be on oath.

And be it further enacted,

[SECT. 8.] That if the whole number of tickets of each lottery, respectively, shall not be sold and disposed of by the said directors within six months after the publication of the scheme of each lottery, respectively, it shall and may be lawful for the town of Roxbury, if they think fit[t], to take the remainder of said tickets, undisposed of as aforesaid to their own account; *provided*, that within one month after the public[k] meeting of said town, to be called for that purpose, a sum of money be raised, and paid to the directors aforesaid, sufficient to purchase the remainder of said tickets, which shall, in that case, be delivered to such person or persons as the said town shall appoint to rec[ie][*ei*]ve the same; but if the whole of said tickets cannot be sold within the term of six months aforesaid, and the town aforesaid refuse to take the tickets remaining unsold as aforesaid, then the money rec[ie][*ei*]ved by the said directors for the tickets sold shall be by them returned to the owners of said tickets, upon their delivering up their tickets to the said directors, and the charges arisen shall be defreyed by the said town of Roxbury: *provided, nevertheless*, that the said managers shall not hereby be prohibited from carrying on said lottery or lotteries at any other time which they may judge suitable and convenient for the same.

In case the whole number of tickets in each lottery shall not be sold in six months after publication of the scheme, the town of Roxbury may take the remainder to their own account: *provided*.

And be it further enacted,

[SECT. 9.] That if the sum raised by means of this act shall be more than sufficient to pave and repair the highway aforesaid, and defrey the charges of the lottery or lotteries aforesaid, and pay the managers aforesaid for their services, as hereinafter expressed, the surplusage shall be appl[y][*i*]ed towards the paving or repairing of such street or streets or highways in the town of Roxbury as the said town shall direct.

In case of a surplusage, how the same shall be disposed of

And be it further enacted,

[SECT. 10.] That if any person shall forge or counterfeit any ticket or tickets, to be made in consequence of this act, or alter any of the

Penalty for persons who forge

or counterfeit tickets, &c.

numbers thereof, or utter, vend, barter or dispose of any false, altered, forged or counterfeit ticket or tickets, or bring such ticket or tickets, knowing the same to be such, to the said directors, or any of them, or to any other person, with a fraudulent intent, every such person or persons, being thereof convicted, in due form of law, shall be punished by imprisonment, by being publickly whipped, or by being set in the pillory, at the discretion of the court before whom the conviction shall be, according to the nature and aggravations of the offence.

[SECT. 11.] And the said managers or directors, or any two of them, are hereby authorized and impowered to cause any person or persons bringing out, or uttering such false, altered, forged or counterfeit ticket or tickets, as aforesaid, to be apprehended and committed to close goal, to be proceeded against according to law.

And be it further enacted,

Managers to keep account of the time of their attendance, and exhibit the same to the town.

[SECT. 12.] That the directors or managers aforesaid shall keep a particular account of the days of their attendance upon the service aforesaid, and for each day's attendance shall be allowed the sum of six shillings, the same not to be paid out of the monies raised by virtue of this act, unless there be a sufficiency for the purposes aforesaid, and for the payment of such their allowances; and in case of a sufficiency, they shall exhibit an account of their attendance aforesaid before a publick meeting of the town aforesaid, which account, being examined and found just, shall be paid by the town treasurer aforesaid, upon the order of the said town; but in case there shall not be a sufficiency, the town aforesaid shall make provision for the payment of such managers' allowance aforesaid; *provided*, that no more than three managers aforesaid shall be intitled to such allowance for one and the same day.

And be it further enacted,

Managers to receive accounts of charge, and order payment.

[SECT. 13.] That the managers or directors aforesaid, after the said lottery, or each of the said lotteries, respectively, is finished, shall rec[ie][*ei*]ve the accounts of all charges arisen thereon, and having found them just, shall certify the same upon said accounts, and direct the town treasurer aforesaid to pay them off and discharge them.

And be it further enacted,

Selectmen of Roxbury, for the time being, to contract for the work, materials, &c.

[SECT. 14.] That the selectmen of the town of Roxbury aforesaid for the time being, shall contract and agree for the paving and repairing the highway aforesaid, and for the materials and labour necessary to do the same, at money price, and shall draw on the town treasurer aforesaid for the payment thereof; and when the said paving and repairs are finished, they shall exhibit a particular account of the cost of the same, and lay it before the town aforesaid at one of their public[*k*] meetings, in order to be put on file with their other papers. [*Passed April* 24; *published April* 25, 1759.

NOTES.—There were five sessions of the General Court this year, at all of which acts were passed. All the acts of this year were printed: chapters 1 and 19, separately; and the engrossments are preserved except of chapters 1, 3, 4, 5, 7, 21 and 22.

The acts of the first session were duly certified for transmission under the province seal on the twenty-second day of September, 1758. They were delivered to the clerk of the Council, in waiting, the 25th of November following. On the 13th of December they were referred to the committee, of the Privy Council, on plantation affairs, which committee again referred them, December 22, to the Board of Trade. The Board of Trade took them into consideration January 16, 1759, and referred them to Sir Matthew Lamb for his opinion thereon in point of law. On the 25th of July the Board of Trade ordered the draught of a report to be prepared, which was signed July 31.

In this report chapters 1, 3 and 5 are represented as "for temporary Services and are either expired by their own Limitations or the purposes for which they were enacted, have been completed." Chapter 4 is included with several other acts which are represented as "passed for temporary services and at different times for raising or borrowing sums of Money for defraying the Expences of Military and other Services," and as having "in great measure taken effect, but as the Execution of some of the Provisions therein contain'd, in which the publick faith of the Province

is interested will not be compleated till the Years 1760, 1761 & 1762, and as Sir Mathew Lamb, whose opinion has been taken upon these Acts, has no objection to any of them in point of law, We conceive it expedient that they should receive His Majesty's Royal Allowance." Chapters 2 and 6 are represented to "relate to the internal Œconomy of the Province and appear to have been enacted for it's private convenience, and We see no reason why His Majesty may not be graciously pleased to confirm them."

All the other acts of this year were duly certified for transmission under the province seal, in two parcels, on the nineteenth day of June, 1759.

The acts of the second and third sessions were delivered to the clerk of the Council, in waiting, February 4th 1760 from the Board of Trade, where they had been read as early as the 23d of January. Two days later they were referred to the committee of the Privy Council, on plantation affairs, who, on the 20th referred them to the Board of Trade to "examine into the same and report their opinion thereupon to this committee." In the Board of Trade they were, on the 11th of March 1760, "referred to Sir Matthew Lamb for his opinion thereupon in point of law."

The acts of the fourth and fifth sessions were delivered to the clerk of the Council, in waiting, November 26th 1759, and the next day referred to the committee of the Privy Council on plantation affairs, who took them into consideration December 5, and immediately referred them to the Board of Trade, by whom they were considered on the 14th of December, and immediately referred to Sir Matthew Lamb for his opinion thereon in point of law. Sir Matthew Lamb reported November 12th 1760 "Upon perusal and consideration of these Acts I have no Objections thereto in point of Law."

No further action of the Privy Council upon any of these acts has been discovered, but from the following entry in the minutes of the Board of Trade, it is probable that they were intentionally suffered to receive a virtual approval by lapse of time:—

"Thursday December 11, 1760.

At a Meeting of His Majty's Commissrs for
Trade and Plantations
Present
Earl of Halifax
Mr Jenyns. Mr Sloper. Mr Hamilton.

* * * * *

Their Lordships then took into consideration twenty one Acts passed in the Province of Massachusetts Bay in March and April 1759, together with Sir Mathew Lamb's Report thereupon; and no Objection appeared to lye to any of the said Acts. Dunk Halifax."—*Trade Papers, vol. 63, p. 77, in Public-Record Office.*

Chap. 2. "June 1, 1758. In Council Voted That John Cushing, Silvanus Bourn, Stephen Sewall and William Brattle Esqrs be a Committee to bring in a Bill in addition to the Law for preventing the desertion of Soldiers during the present War with France &c."—*Council Records, vol. XXII., p.* 364.

"July 25, 1758. His Excellency acquainted the Board that he had received Information that a great number of the Forces raised within this Province (chiefly those belonging to the Regiment commanded by Colo Thomas Doty) and put under the Command of Major General Abercromby had Deserted and were returning home and desired the Advice of the Council thereon—

Advised that his Excellency issue his Proclamation for apprehending the said Deserters.

His Excellency having recommended to the Board to consider the best manner of providing for the Subsistence of such of the Forces as have Deserted the Army and may return to their Duty.

Advised that the several Taverners on the Road supply them with Provisions as has been usual for Soldiers in the pay of the Province and that the Accounts thereof be exhibited on Oath for Allowance and Payment out of the Publick Treasury and that a Deduction be made from each Soldiers Wages according to what shall have been paid for his Victualling as aforesaid."—*Executive Records of the Council, vol. 3, p.* 420.

"Aug. 1, 1758. Advised and Consented that a Warrant be made out to the Treasurer to pay to the Honble Thomas Hutchinson Esqr the sum of Four Pounds to discharge his Acco[t] of Expences in a Journey for the apprehending of Deserters."—*Ibid., p.* 421.

"April 17, 1761. A Petition of John Gorham Esqr, Sheriff of the County of Barnstable setting forth That in 1758, he in pursuance of the Governors Proclamation apprehended and secured nine Deserters from the Service (of Colo Dotys Regiment) that the legal Fees for Diet &c[a] amount to £2.17.2. and praying allowance.

In the House of Representatives; Read and Ordered That the Prayer of the Petition be granted, and that there be allowed and paid out of the Public Treasury to the Petitioner the sum of Two pounds Seventeen shillings and two pence in full of his Account.

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIII., p.* 746.

Chap. 3. "June 8, 1758. In Council. His Excellency having acquainted the Board that there still remains a deficiency in the Number of Men ordered to be raised, for the intended Expedition, the Returns from the Colonels of several Regiments being short of the Number assigned, and also that there is reason to apprehend that a large Number of those returned have not yet proceeded. Ordered That

Samuel Danforth, William Brattle and Benjamin Pickman Esq^rs with such as the Honourable House shall appoint be a Committee to consider what is further Necessary to be done by this Court for the Carrying into full Execution his Excellency's Orders for raising Men; and also what is proper to be done for ascertaining the Number of men, who have been returned by the several Colonels, and are not gone into the Service, and compelling them forthwith to attend their duty, and making provision for their being conveyed to the Place of Rendezvous; the Committee to sit and report as soon as may be.

In the House of Representatives. Read and Concurred and M^r Stone, M^r Giddinge, Doctor Sayer, and Major Hartwell are joined in the affair."—*Council Records, vol. XXII., p.* 382.

Chap. 4. In his speech to both Houses June 1, 1758, from which the following is extracted, Governor Pownall had recognized his dependence upon them for supplies in such a manner as to elicit from them a flattering address in which, though they declared that their burdens were so great that if the expected relief from Great Britain should fail, they would become insupportable, they expressed satisfaction at the "economy, vigor and integrity" displayed by the Governor in his application of moneys raised by them. They also entreated him to represent their "distressed case" to the King, and on the same day passed this chapter to be enacted.

"Gentlemen of the House of Representatives. I have directed the Treasurer to lay before You the State of the Treasury, and I must recommend to You to compleat the Supplies for those Vigorous measures already engaged in; also that You make provision for the ordinary Revenues and Charges of Government; and for the Pay and Subsistence of the Troops which it is become necessary I should keep upon our Frontiers. I have directed the Secretary to lay before You a List of the Officers and Men as required by the several Services.

* * * * * *

His Excellency General Abercromby acquaints me, that as soon as he receives the proper Vouchers, he will settle the Payment of the billetting money for the Troops raised by this Government last Year; as also the four pences for this Year. These Vouchers were sent to the late Commander in Cheif. I have now sent further Copies; those of this Year shall be sent as soon as they can be compleated. These are great helps and Assistances from the Crown, and for those Expences of the War which We do not thus receive immediate Assistance in, we have the best Assurances that strong Recommendations will be made to parliament for a proper Compensation to Us.

The ways and means of raising these Supplies do by right as they do in the reason of the thing lie with you.

It only remains with Me, from a tender and paternal sense of the heavy burthens that the People labour under, to recommend those ways and means which are most equal and least burthensome, and to assure You that as far as lies with Me, all shall be Administred with the most circumspect and wary management, under the exactest method, and most strict Oeconomy in the public Accounts, that the Assistance I have will enable Me."—*Council Records, vol. XXII., p.* 361.

"June 15, 1758. In the House of Representatives—Ordered That M^r Speaker and M^r Flucker with Such as the honourable Board shall join be a Committee to assist the Treasurer in endeavouring to borrow money for the use of the Province in the present exigency of Affairs. In Council. Read and Concurred and John Erving Esq is joined in the Affair.

Consented to by the Governor."—*Ibid., p.* 404.

"Nov. 18, 1758. His Excellency laid before the Board the form of a Muster Roll which he had directed to be prepared to be made Use of as a Rule in paying off the Forces furnished by the Province as their Quota in the late Expedition under the Command of His Excellency Major General Abercromby and Asked their Advice in the Affair.

Advised that his Excellency give his Orders to make Use of the said Form in making up their respective Pay Rolls accordingly."—*Executive Records of the Council, vol. 3, p.* 439.

Chap. 6. "October 9, 1758. James Bowdoin Esq from the Board went down to the House of Representatives with a Message to acquaint them that as the Act passed the last Session for regulating the Indians, did not pass the two Houses to be enacted until the last day of the Session, it happened that the Choice of Guardians pursuant to said Act was omitted—and to propose to the House to come to the Choice of Guardians to the several Tribes of Indians to morrow at three o'clock in the Afternoon."—*Council Records, vol. XXII., p.* 420.

"October 10, 1758. The two Houses proceeded according to Agreement to the Choice of Guardians for the Indians by Joint Ballot when the following Gentlemen were chosen by a Major Vote of the Council and House of Representatives viz^t

For the Indians at Natick, Joseph Buckminster and John Jones Esq^rs and Captain John Clark.

For the Indians at Stoughton or Puncapog Indians, Robert Spurr and Samuel Niles Esq^rs and M^r Joseph Billings.

For the Indians of Grafton, the hon^ble John Chandler Esq John Jones and Edward Baker Esq^rs For the Indians at Dudley, the hon^ble John Chandler Esq Moses Marcy Esq and Capt^n Joshua Heely

For the Indians at Harwich, Yarmouth and Eastham, John Freeman Esq, M^r Jabez Snow, and Capt^n John Beare.

For the Indians of Mashpee, Barnstable, Sandwich & Falmouth, the honble Silvanus Bourne Esq, Edward Bacon Esq and Mr Nymphas Marston.

For the Indians of Plymouth, Pembroke and Middleborough, Josiah Edson Esq, Captn Nathanael Smith & Mr John Turner.

For the Indians of Martha's Vineyard, John Norton and John Sumner Esqrs and Mr Mathew Mayhew.

For the Indians at Nantucket, Jonathan Coffin and Abishai Folger Esqrs and Mr Richard Coffin."—*Ibid.*, *p.* 423.

"January 3, 1759. In Council Whereas the List of Guardians to the several Tribes of Indians chosen by the two Houses on the 10th day of October last was casually omitted being laid before his Excellency the Governor for his Approbation.

Resolved. That the several persons named in said List be, and hereby are declared re-elected, And that all Acts and Doings of said Persons in the Capacity of Guardians since the said 10th day of October, be and hereby are declared as valid and effectual to all intents and purposes, as if said List had been duly laid before his Excellency, and by him approved.

In the House of Representatives. Read and Concurred.

Consented to by the Governor.

The said List being laid before his Excellency, He was pleased to write thereon as follows.

I consent to the above Elections.

T. POWNALL."

—*Ibid.*, *p.* 449.

Chap. 8. No provision was made in this act, or in the act of 1757-58, chap. 25, for the support of the women and children that followed the regulars from Nova Scotia; but as their support was a burden incident to the reception of the forces, and as these persons arrived after the expiration of the former act, the following is inserted as pertinent to this chapter.

"Sept. 21, 1758. His Excellency laid before the Board an Application from the Selectmen of the Town of Boston, for directions concerning a number of Women left in the Town by the Forces commanded by Major General Amherst.

Advised that his Excellency give Orders to the Selectmen of the Town of Boston, to send said Women to New York by some of the Transports bound thither, and apply to the Agent Victualler for their Subsistence or otherwise make such Provision for it as they shall find necessary."—*Executive Records of the Council*, *vol.* 3, *p.* 427.

"Sept. 26, 1758. His Excellency acquainted the Board he had received Information that there were about two hundred Men* lately arrived in the Transports from Halifax which was likely to become a Province charge unless measures were taken to prevent it; and Asked the Advice of the Council thereon —

Advised that his Excellency give directions to the Selectmen of the Town of Boston to obtain a List of the Women lately sent up from Halifax and an Account of what Regiments they respectively belong to, and that they send such as belong to the Regiments at the Westward to New York in order to be forwarded to the Army, and that all others be returned to their respective Regiments or to Halifax from whence they came. Ordered accordingly."—*Ibid.*

"October 5, 1758. In the House of Representatives. Ordered that Mr Russell, Captn Livermore, Mr Folger, Mr Tyng and Mr Witt with such as the honourable Board shall appoint be a Committee to take under consideration the State and Circumstances of a Number of Women lately arrived here with their Children, whose Husbands belong to the Regular Forces in his Majesty's Service, and report what they judge proper to be done relative to them. In Council Read and Concurred and John Erving, Richard Cutt, William Brattle, and Gamaliel Bradford Esqrs are joined in the Affair."—*Council Records*, *vol. XXII.*, *p.* 414.

"October 7, 1758. The Committee appointed the 5th Instant to take under Consideration the State and Circumstances of a number of Women and Children lately arrived here from Nova Scotia having reported according to Order. In Council. Read and Accepted. And Voted That William Brattle Esq with Such as the House shall join be a Committee to wait on his Excellency the Governor, and desire that he would give Orders that the Women lately arrived here whose Husbands belong to the Regular Forces in his Majesty's Service, be together with their Children received in the Barracks at Castle William, And that He would Acquaint the Kings General of their Arrival in the Province, and desire that He would give orders respecting the disposal and support of the same. And that the said Committee likewise inform his Excellency that the two Houses are of Opinion that in the mean time it would be best that the Contractor for Provisions for the Kings Forces or his Agent should provide for said Women and Children according to the Kings Allowance, and pray his Excellency's interposition in that behalf.

In the House of Representatives Read and Concurred and Colo Osgood, and Captn Newhall are joined in the Affair."—*Ibid.*, *p.* 417.

"Oct. 10, 1758. The Report of the Committee and Order of Court of the 7th Instant respecting the Women and Children lately arrived here from Nova Scotia—In Council Read again, and it appearing to the Board to be necessary that some further proceedings be had in this Affair. Ordered that the Committee sit again forthwith, and report as soon as may be.

In the House of Representatives. Read and Concurred."—*Ibid.*, *p.* 422.

"October 13, 1758. The Committee appointed to take under consideration the State and Circumstances of the Women and Children lately sent hither from Nova

* *Sic*; women.

Scotia having further reported as their Opinion that they go either by Land or Water to the County of Albany, and that speedy provision be made therefor accordingly.

In the House of Representatives. Read and Accepted. And Ordered That Mr Flucker and Mr Goldthwait with such as the honourable Board shall appoint be a Committee to take care that the said Women and Children be sent away accordingly in the Cheapest manner that may be. And that there be allowed to be paid out of the public Treasury the Sum of two hundred pounds into the hands of said Committee for the Purposes aforesaid they to be accountable. In Council. Read and Concurred and Samuel Watts Esq is joined in the Affair.

Consented to by the Governor."—*Ibid., p.* 430.

"Dec. 5, 1758. His Excellency acquainted the Board that General Amherst Commander in Chief of his Majesty's Forces in North America had applied to him that Provision should be made for Quartering such Recruiting Parties as should be sent into the Province for recruiting his Majesty's Troops under his Command as also for the Recruits that may be raised and desired the Opinion of the Board on the following Questions—Viz^{t}

Whether such Parties as the Kings General shall order to March through the Province upon the recruiting Service are excluded the benefit of the Act now in force for providing for the Reception and Accommodation of his Majesty's Forces within this Province—It was answered in the Negative.

Whether such recruiting Parties as shall be ordered to any particular Town in the Province upon said Service are excluded the benefit of the Act now in Force for the Reception & Accommodation of his Majesty's Forces within this Province—It was Answered in the Negative.

And thereupon Advised that his Excellency issue a Proclamation impowering the Selectmen of the several Towns to make Provision for the Accommodation of such Parties as may be ordered to their respective Towns according to Law."—*Executive Records of the Council, vol.* 3, *p.* 444.

"By his Excellency Thomas Pownall Esq Captain General and Governor in Cheif in and Over his Majesty's Province of the Massachusetts Bay in New England Vice Admiral of the same &^{c}

A Proclamation

Whereas in and by an Act of this Government intituled an Act providing for the reception and Accomodation of his Majesty's Forces within this province, made and passed in the present Year of his Majesty's Reign it was enacted—'That when 'and so often as during the Continuance of this Act any of his Majesty's Regular 'Forces shall for the Defence of his Dominions or for prosecuting Measures against 'his Majesty's Enemy's be ordered into any Town or Towns within this Province, it 'shall and may be lawful for the Governor with the Advice of the Council to appoint, 'authorize or impower any person or persons to agree for and take up such and so 'many Houses and Buildings in or near such Town or Towns as shall be judged 'sufficient & necessary together with the Barracks already provided at Castle 'William to receive and accomodate the whole Number of Forces that may be so 'ordered, or if need be to impress so many uninhabited Tenements in or near such 'Town or Towns as shall be necessary as aforesaid, and also to provide such Bar-'rack Utensils & Necessary's as shall be judged reasonable, the Charge thereof to 'be advanced and paid out of the public Treasury'; which Act was made to continue & be in force to the last day of March One thousand seven hundred & fifty-nine.

I do therefore by and with the Advice of his Majesty's Council hereby Authorize and impower the Selectmen of the Several Towns and Districts for the time being within this Province to provide in their respective Towns or Districts for the reception and accomodation of all such Troops or Parties as may be ordered thither during the Continuance of the Act aforesaid or until I shall otherwise Order upon the terms therein mentioned.

Given at Boston the fifth day of December 1758 In the thirty second Year of the Reign of Our Sovereign Lord George the second by the Grace of God of Great Britain, France & Ireland King Defender of the Faith &^{c}

By his Excellencys Command. T. POWNALL.

A. Oliver Secry.

God Save the King."—*Records of Civil Commissions, vol.* 2½, *p.* 62, *in Secretary's Office.*

"Dec. 30, 1758. To the Selectmen of the Town of Boston the sum of One hundred thirty nine Pounds seven shillings & six pence three farthings to discharge their Accot of Expence in providing for the Wives & Children of Soldiers (which were left by Major General Amherst) in the Almshouse; And the further sum of One hundred twenty one Pounds nineteen shillings and seven pence to discharge their Accot of the like Expence in the Workhouse.

To Samuel Procter the sum of Eleven Pounds seven shillings and eight pence to discharge his Accot for his Care and Trouble with the abovementioned Persons in the Almshouse.

To Joseph Lasenby the sum of Ten Pounds and eight pence half penny to discharge his Accot for his Care and Trouble with the abovementioned Persons in the Workhouse.—*Executive Records of the Council, vol.* 3, *p.* 449.

Chap. 12. "June 8, 1758. A Petition of John Nash and Others, a Committee of the Second Precinct in Hadley in the County of Hampshire—Setting forth the inconveniences they Labour under by being connected with the first Precinct, as well on account of their high Taxes, from which they do not reap a proportionable Advantage, as on account of their Distance from the Place where their Town Meetings are constantly held, and praying that they with the Addition of some of the Inhabit-

ants of the said first Precinct may be erected into a distinct and seperate District agreeable to the Limits mentioned. accompanied with

A Certificate from Isaac Ward and Others, Resident on a Tract of Land lying in the first Precinct in said Town, and adjoining to the second, shewing that they are desirous of being incorporated with the said second Precinct, as a seperate and distinct District, they being much more conveniently situated for transacting Business there, than where they now belong.

In the House of Representatives Read and Ordered. That the Petitioners serve the Clerk of the first Precinct in the Town of Hadley with an Attested Copy of this Petition that they shew cause, if any they have, on the second Friday of the next Sitting of the Court why the Prayer thereof should not be granted.

In Council. Read and Concurred."—*Council Records, vol. XXII., p.* 381.

"January 9, 1759. A Petition of the Inhabitants of the second Precinct in Hadley Praying as entered 8 June last to be erected into a District.

In Council Read again together with the Answer of the first Parish in the Town of Hadley; and the other Papers accompanying the same. And Ordered That Benjamin Lynde and William Brattle Esq^rs with such as the honourable House shall join be a Committee to take the Petition and papers under consideration and report what they judge proper to be done thereon.

In the House of Representatives Read and Concurred and M^r Tyng, M^r Niles, and Capt^n Stevens are joined in the Affair."—*Ibid., p.* 468.

"January 12, 1759. The Committee appointed the 9^th Instant on the Petition of the Inhabitants of the second Precinct in Hadley reported according to Order. In Council. Read and Accepted. And Ordered That the Petitioners have leave to bring in a Bill for erecting the Second Parish in Hadley into a District agreeable to the foregoing Report. And further Ordered That Daniel Smith an indigent Person in said Town be supported at the Expence of the Town of Hadley and of said District in equal Moieties.

In the House of Representatives Read and Concurred."—*Ibid., p.* 482.

Chap. 13. "June 8, 1758. A Petition of Benj^a Houghton and Others Praying that certain Farms formerly granted by the General Court to seperate Petitioners lying near the great Wachusett Hill, and contiguous to Rutland East-wing, containing a Tract of about six miles by three miles in extent, may together with the East wing of Rutland containing about the like quantity, upon which there are about thirty Families already settled, be erected into a Township.

In Council Read and Ordered That the prayer of the Petition be so far granted as that the Petitioners have liberty to bring in a Bill accordingly.

In the House of Representatives. Read and Concurred."—*Council Records, vol. XXII., p.* 382.

Chap. 20. "January 26, 1759. A Petition of George Leonard of Norton in the County of Bristol Esq—Setting forth That being one of the Manufactory Company (so called) he paid in long since all the monies he had took out, with Interest thereon and has since paid in his proportion of all the subsequent Assessments made by the Commissioners; notwithstanding which James Otis Esq brought his Action against him as one of said Company, and recovered Judgement against him in August last for Eight hundred forty three pounds eight shillings and seven pence and Costs; that from the first commencing the Process, he has been in expectation that the said Commissioners would pay the said Otis's demands, but that the said Judgment remains still wholly unsatisfied, and he is assured Execution will not be delayed longer than February Term next. And praying that said Commissioners may be directed to pay the Sums, so recovered against him with his own Costs out of the monies now in their hands, or that he may be otherwise relieved as shall be judged proper—Also

A Petition of Benjamin Jacob of Scituate in the County of Plymouth of the like import. And Praying that the said Commissioners may be directed to pay him the Sum of Sixty seven pounds eleven shillings and three pence. and costs recovered against him by M^r Robert Treat Paine in satisfaction of an Execution against him on said Judgment together with his own Costs.

In the House of Representatives. Read and Ordered That Col^o White, Capt^n Livermore and M^r Bacon with Such as the honourable Board shall join be a Committee to take the Petitions of George Leonard Esq and M^r Benjamin Jacob into consideration, and report what they judge proper for this Court to do thereon. In Council Read and Concurred and John Cushing and William Brattle Esq^rs are joined in the Affair."—*Council Records, vol. XXII., p.* 523.

"February 2, 1759. In Council Ordered That John Cushing Esq be added to the Committee on the Petition of George Leonard Esq and M^r Benj^a Jacob.

In the House of Representatives Read and Concurred."—*Ibid., p.* 547.

"October 5, 1759. In Council. Whereas by a Law of this Province made at the Session of the Great and General Court in February last, it is among other things enacted; 'That the Commissioners for adjusting and settling the Affairs of the 'Land Bank or Manufactory Scheme should forthwith make an Assessment of 'Three thousand pounds on such of those persons who were concerned in said 'Scheme as are now living within this Province whom they shall judge of Ability 'as to Estate forthwith to pay what they shall be assessed.'

And Whereas the late partners in said Scheme belonging to many Towns, and living scattered in almost all Parts of the Province, it is impracticable for the said Commissioners to come at the knowledge of those who are deceased or out of the Province; or to the knowledge of the Circumstances and Ability of such of them as are living within the same without the further aid of this Court.—Wherefore

Ordered that the said Commissioners do forthwith transmit to the Assessors of the several Towns and Districts within this Province or to the Town Clerk of each Town (to be by him laid before the Assessors of the respective Towns and Districts whereto such Clerks do severally belong) a List of the Names of such of the Partners as (at that time when said Scheeme was first entered into) did belong to any such Town: And upon the Receipt of such List, such Assessors shall and hereby are strictly enjoined forthwith, and without any delay, to transmit to the said Commissioners, or one of them, or to the Secretary of the Province, to be lodged in his Office an Account of the Names of the said Partners as are deceased or removed out of the Province; as also an Account of such of them as shall survive, and of the Sums last assessed on such Survivors, respectively in such Town or District for their Province Tax.

In the House of Representatives. Read and Nonconcurred."—*Ibid., vol. XXIII., p.* 68.

Chap. 21. During the recess between the first and second sessions of the General Court tidings had arrived of the surrender of Louisbourg, and of the occupation of Cape Breton: of Bradstreet's successful expedition against Fort Frontenac; of the destruction of that fort, and the enemy's naval force there, and of the enemy's stores and magazines at Cadaraqui. In his speech at the opening of the second session the Governor alluded to these successes in terms of reverent gratitude, and referred to Abercrombie's repulse at Ticonderoga only as having "somewhat delayed matters." He expressed confidence that now "the very gates of Canada must, we trust in God, be put into our hands," and that having "put our hand again to the plough if we do not look back it must go over the very foundation of the enemy's country." After stating that the promises of reimbursement by the Crown had been a great encouragement to the province he informed the Assembly that parliament had voted £27380, 19s. 11½*d.* to reimburse their expenses in the campaign of 1756, which he considered an encouraging assurance for the future, and recommended the Representatives to make further provision for the troops under Abercrombie and on the frontiers, and for the ship King George. A committee appointed to consider the Governor's speech reported the next day (Oct. 5,) thanking the Governor for what he had done in the administration of affairs, and particularly "for the full and just representation of the distressed state of the Province" made by him to Secretary Pitt. (See note to chapter 16, 1759–60, *post.*)

The legislature this session passed without hesitation or dissent the act providing for the reception, &c., of his majesty's forces, &c., (chap. 8,) in which the authority of the Governor to provide quarters, limited in the former act (1757–58, chap. 25) to the town of Boston, was extended to any town or towns within the province, in anticipation of the movement of General Amherst's forces to Albany.

On December 22, Governor Pownall received a letter from General Amherst, dated New York, nine days before, giving notice of his appointment to the chief command of the army, and urging the raising of new levies to be ready for the field as soon as the season would permit.

At the opening of the third session the Governor congratulated the Assembly on the acquisition of Fort DuQuesne, which event occurred since the last prorogation, but urged the necessity of preparing for another year's service, which promised "to be decisive." This was followed by a message, on the first of January, in which the Governor showed that of the 7000 men voted to be raised the previous year, 6925 had been actually sent. He praised the Lieutenant-Governor for the address and promptness which he had shewn in arranging the details of accounts and allowances with the General-in-chief and urged the Assembly to have all claims so collected and adjusted as to be closed this year, with a view to speedy reimbursement by parliament.

On the 6th of January the Assembly voted an address to the Governor in reply to his speech, reciprocating congratulations upon the recent victories, approving of the plan for the expulsion of the French from Nova Scotia, and promising, "with the greatest cheerfulness", notwithstanding their "burdened and oppressed" condition, financially, "to engage, under" his "direction, in such measures as shall be found necessary for the service of the year to come."

Other messages relating to stoppages for the detention of arms, and for arming new levies, and also for building and garrisoning a fort on the Penobscot, passed between the Governor and the Assembly during the month ensuing. On the 8th of February a vote was passed approving this latter measure, and providing for a guard of 400 men, to continue during the progress of the work, and a garrison of 100 men, to remain in charge of the completed fort, together with an establishment for transports, wages &c.; but there were no enactments relating to the war except chapter 15, by which further facilities were afforded for recruiting for the army, and the rates for billetting were established.

Measures were also taken to secure the promised reimbursement and to have the money brought over in a British ship-of-war, and insured.

The fourth session began February 28th, and, after waiting for the representatives to arrive, the Governor, on the second day of March, made his opening speech, having previously sent down a message that he had "matters of the utmost consequence to communicate to the Court." He informed the Assembly of the determination of the ministry to protect the colonies and to make a final decision of the contest; of their call upon the province to second these efforts; of their promises for reimbursement of the expenses of a new campaign; and of the momentous character of the measures about to be taken, which were to decide whether the British Empire or a French kingdom should be established in America,—from which latter event, to be averted then or never, would date "the decline of the British Empire." He

concluded with a hopeful augury from previous successes, and even from the repulse at Ticonderoga, declaring that this province "always did and always will bear its share in these services"; and enjoining secrecy regarding the papers which he should lay before them, among which was a letter from Gen. Amherst, dated New York, February 16, requesting that the provincial troops should be at Albany by the tenth of April, at farthest.

A committee was appointed the next day to consider this speech. Before this committee reported, the House voted to request the Governor to represent to Gen. Amherst that the troops of the last campaign could not be paid, for want of money, that it was equally impossible to raise new levies without advancing additional large sums, as bounty, which the province was unable to borrow, and to ask him to advance the necessary funds, to be repaid out of the money—in the hands of the Agent of the province in London—which parliament had appropriated for reimbursement. The Council refused to concur in this vote.

On the fifth of March the Governor sent another message, informing the Assembly of his efforts to prevent impresses for the navy, and expressing his earnest desire not only to see this evil remedied, but the embargo ended, and all sailors, enlisted in the navy from this province, accredited to the provincial quota, and so paid by the Crown. To these ends he declared that he had already procured the agreement of Gen. Amherst, and such promises from Admiral Durell as left no doubt of his full concurrence when the arrangement should have been clearly and definitively settled.

Votes followed, on the eighth, for furnishing hospitals and hospital stores, appointing a committee to ascertain what medicines were necessary for the army, and appropriating £100 to the commissary-general, for every 1000 men enlisted, for necessaries for the sick and wounded.

While these votes were being prepared and passed, the committee on the Governor's speech were engaged in framing a report and resolutions which should prove acceptable to both branches of the legislature and at the same time meet the wishes of the Governor and Gen. Amherst in respect to the new levies. The first draught of the report of this committee provided for raising 6000 men including the 400 men at Penobscot Fort and was read first in the Council-chamber on the seventh of March, and sent down to the Representatives. In the House it was read, and accepted with amendments; one of which reduced the whole number of men to 5000. It was then sent up, in a new draught, for concurrence. This was on the tenth; and the same day the Council sent down a special message urgently recommending the House to reconsider that part of their resolutions fixing the number of men; but the House voted to adhere. On the twelfth, the Council read the new draught sent up from the House, and, after voting a nonconcurrence, recommitted it; at the same time adding five councillors to the committee, which was ordered to sit forthwith. They then sent their votes down for concurrence. The House still voted to adhere to their former vote, and refused to concur. Thereupon the Council voted to concur, with certain amendments—not however affecting the number of the contingent—upon which the House voted to concur in all the amendments save five. The report was then newly drawn in the form of the following preamble and resolutions, which were passed on the 15th of March:—

"In the House of Representatives. In order to a deliberate and mature determination upon the important matters recommended by his Excellency in his Speech of the 2d Instant, the House find it necessary to take into consideration the distresses brought upon the Inhabitants of the Province by means of the great Levies which have been made from year to year since the War, and particularly by means of the disproportioned number of men that were in the Service the last year. The House likewise consider that many of the Inhabitants have inlisted this present year as Rangers and Batteaumen and in other Branches of his Majesty's Service; that the Government is now burden'd with a very heavy Load of debt, and the charges arising from the Services of the last year are unpaid, and that it will be extreemely difficult to procure such a Sum of Money as will be necessary to be immediately advanced in case of engaging in any further service. On the other Hand the House consider the importance and necessity of continuing to aid and assist in such measures as his Majesty shall be pleased to engage in for the defence and preservation of his Colonies: and they likewise consider the gracious Assurances of such Compensation being made as shall render the burden proceeding from such Services supportable; and upon the whole It is Resolved That five thousand Men, Officers included, be immediately raised for his Majesty's general Service viz[t] Four hundred of them to guard the Workmen employed in building a Fort at Penobscot, for which Provision is already made, the remaining 4600 to be formed into Regiments and to be under Officers from among the Inhabitants of this Province (excepting only such and so many of them as may enter on board any of his Majesty's Ships of War upon the terms hereafter mentioned) and to be employed in the intended Expedition against Canada, each Regiment to consist of a number not less than 960 Men, Officers included, and to be proportioned upon the several Regiments, Troops of Horse, Independant Companies, Batteries of Boston, Charlestown, Marblehead and Glocester, according to their numbers: and that in case a sufficient number of Men shall not inlist upon the terms hereafter mentioned on or before the sixth day of April next, then so many shall be impressed as to make up 4600 which with the 400 aforesaid compleat the number of Five thousand: and that every Person who has been in the Service in former years shall be equally liable to such Impress with those who have never been in the Service.

Resolved That to every Non Commission Officer and Private Soldier of the said 4600 Men who shall inlist into the said Service on or before 4 o'clock in the afternoon of the said sixth day of April next, and shall pass muster, there be allowed

and paid in a Treasurers note a bounty of Six pounds and wages from the time of their Inlistment. And as a further encouragement It is Resolved That to every Non commission Officer and private Soldier who has been in the service and pay of this Province in the years 1755, 1756, 1757 or 1758, and shall inlist into the said intended Service on or before the second day of April next, there be allowed instead of bounty full Wages from the 20th day of November last; and four months and an halfs wages be advanced to each amounting to the Sum of Eight pounds two shillings and to be paid them in a Treasurers note at the time they pass muster, and that all said Notes be upon interest and payable the 2d day of June 1760. And it is further Resolved That Wages be allowed to each Private Soldier employed as aforesaid in the Land Service at the rate of six dollars ℔ month until they are discharged said service, and that there be given a good blanket to each non commission Officer and Private Soldier in the Land Service. Resolved That as many of said men as his Excellency the Governor, shall think proper, and as are willing to enter into the Sea Service upon such terms as his Excellency shall settle with the Admiral or Commander in Cheif of his Majesty's Ships of War be employed in such Service, and that additional Wages be allowed over and above the ordinary Pay in his Majesty's Ships, so as to make their Wages equal with the Wages of those in the Land Service.

That in case it shall be found necessary to cause any men to be impressed in order to compleat the 4600 Men as aforesaid, so many of such men as his Excellency the Governor shall think proper shall be at liberty to enter into the Sea Service, but none shall be compelled to it. That the whole number of the said 4600 men be continued in the Service for a term not exceeding the first of November next, and to be dismissed as much sooner as his Majesty's Service will admit.

And Whereas it will be necessary that the Forces should be allowed billetting from the time of their inlisting until their receiving the Kings Provision, but the present State of the Treasury will not admit of advancing the same, and it is likewise necessary that they should be supplied with Provisions or allowed billetting from the time of their discharge until their Arrival at their several Places of Abode.

Resolved That Application be made to the General and Commander in Cheif of his Majesty's Forces that billetting may be allowed and promised to each Man from the time of his Inlistment, until he receives the Kings Provisions at the rate of six pence Sterling ℔ day, and that each man shall either be furnished with Provisions for his Subsistence from the place where he shall be dismissed until he arrives at his place of aboad, or that he be allowed six pence Sterling ℔ day, accounting every fifteen miles distance for one day, and the Officers be allowed Rations according to their Rank as has been usually given to the Officers of his Majesty's Regular Forces, which proportion the Officers of the last year entered into the Service with full expectation of receiving; but this Court are informed it has not yet been allowed them

And Whereas his Majesty has been pleased to declare by his Secretaries of State in the years 1756 and 1757 that all which he expected from this Government was the levying, cloathing and pay of the men; and whereas Monies have been advanced by this Government for other necessary Charges in expectation of a Reimbursement from the Commanders in Cheif, but the Accounts of such Charges have been refused to be allowed and such Reimbursment has been withheld, and Whereas his Majesty has been pleased to repeat in the most explicit terms the same declaration in a Letter from the Right honourable Mr Pitt of the 9th of December last.

Resolved That his Excellency General Amherst be acquainted that this Government cannot advance any further Sum than what shall be necessary for those particular Services, and depend on provision being otherwise made for every other expence or Article of Charge that shall be determined to be necessary.

And Whereas the obliging the Forces to receive Rice instead of Peas has not only been dissatisfactory to the Provincials who have not been used to that species of Provisions, but has also been as is apprehended prejudicial to their health Resolved That the Commander in Cheif of his Majesty's Forces be acquainted, that it is the desire of this Government that a sufficient quantity of Peas may be provided for the Service of the present year. In Council. Read and Concurred Consented to by the Governor."—*Council Records, vol. XXII., p.* 583.

In the original report, March 30th was the day fixed for the impress, from which all were exempted who had been impressed the previous year, and had received no bounty, and such as had then enlisted and had received no pay (except the bounty). As an inducement for enlisting, however, all persons who had been in the service in 1755, or since, and who should enlist on or before March 26, 1759, were to receive whole wages from November 20, 1758, and half wages, for the same period, if they should enlist before two o'clock in the afternoon of March 30th. One month's pay was also to be advanced. Still further encouragement was given in subsequent votes which provided for extra equipments and clothing. The date of the impress was subsequently changed to April 2d, and, in the resolutions as finally reported, it was postponed to April 9th, which was the subject of a special message from the Governor to the Assembly on the 14th—whereupon the resolutions were amended by changing the date to the sixth.

"March 16, 1759. The Deputy Secretary by order of his Excellency the Governor delivered the following Message to the House of Representatives viz!

Gentlemen of the House of Representatives After all the difficulties which have attended, the Resolves to raise Men at his Majesty's desire for this year's Campaign, and after all the difficulties that will attend the Execution in my hands as things now are: There remains nothing now that can absolutely obstruct my raising the number you have voted, so as to be of any use to his Majesty, but my not being able to get such Colonels and Officers as I can confide in, as I know will not abuse

the Men, as I can trust will do Justice to the Country, do honour to the Province, and do his Majesty that Service which he expects from the Province Troops. I cannot be ignorant that the Wages which the House Voted for the Colonels last year was upon the consideration that such Colonels were to receive six Rations of the Kings Supplies; It is now known to the House (if it be not, the House may see it in the Letter herewith sent) That by the Regulations of the Army in America the Officers receive but one Ration. I can make no doubt but the Justice of the House will consider this in the Provision they make for the Colonels Wages. and why these Officers who have been in the Service in the years 1755, 1756, 1757 and 1758, and have suffered greatly without any Relief should not be intitled to pay from the same time as the Men is liable to be construed as a disgrace thrown on their Services.

If by these Savings the House hope those may be got to go, who will go cheapest: —those only that are least fit and most unworthy are readiest to go on such terms— Perhaps Such only as may have hopes of making up this deficiency by ways which no man of Honour would go into—I must therefore desire it of the House to have the same regard to the Service of these their Officers, as to that of the Men. And as not only the Welfare and Well doing of the men, but the Good to be expected from the Forces, the Province sends to the Kings Service intirely depends upon the Faithfulness and Goodness of the Officers.—the putting me in a situation not to be able to get such Officers is undoing with one hand what has been done with the other:—I must here also remind the House that the delay in compleating the several Provisions for raising the Men renders it impracticable for me to issue the Proclamation, without which every thing remains at a Stand.

T: Pownall."—*Council Records, vol. XXII., p.* 600.

"By his Excellency Thomas Pownall Esq. Captain General and Governour in Cheif, in and over His Majesty's Province of the Massachusetts-Bay in New England, and Vice-Admiral of the same.

A Proclamation.

His Majesty having nothing more at Heart than by the most vigorous and extensive Efforts to avert, by the Blessing of God on his Arms, all Dangers which may threaten North-America from any future Irruptions of the French, hath determined in this urgent and decisive Crisis to make a general Invasion of Canada, and to carry War into the Heart of the Enemy's Country; and now calls upon his faithful and brave Subjects of New England to join and co-operate with that Body of his Forces which he hath been pleased to destine for that Service: And in a just grounded Expectation that the best Gentlemen and Freeholders will Engage in the Service at This Good Time, His Majesty is graciously pleased to Grant to the Officers of his American Forces a Rank and Command equal to the Officers of his British Forces, except that the Officers of the Mother-Country are in their respective Ranks to be considered as Seniors to those of the Provinces.

His Majesty is further Pleased to furnish and Provide the Forces with Arms, Ammunition, Tents and Provisions; and as most People in North America have Arms of their own, which from their being accustomed to, and being so much lighter than the Tower-Arms, must be more agreeable and proper for them, General Amherst, as an Encouragement for their coming provided with good Muskets, engages to pay for every one they shall so bring that may be spoiled or lost in actual Service at the Rate of Twenty-five Shillings Sterling.

And Whereas This His Majesty's Province, in full Confidence of his wise Measures, and in Pursuance of His Royall Pleasure, have resolved to raise a Number of Men, under Officers Inhabitants of this Province. and have made Provision for the Levying and Support of such to the first Day of November next, said to be then dismissed, or as much sooner as His Majesty's Service will Admit; and for Encouragement to the People to inlist, have engaged, 'That to every Non-commission 'Officer and Soldier who shall inlist into the said Service on or before Four o'clock 'in the Afternoon of the sixth Day of April next, and shall pass Muster, there 'be allowed and paid in a Treasurer's Note, a Bounty of Six Pounds and Wages 'from the Time of his Inlistment, and to every Non-commission Officer or Soldier 'who has been in the Service and Pay of this Province in the years 1755, 1756, 1757, 'or 1758, and shall inlist into the said intended Service on or before the second Day 'of April next, there be allowed Eight Pounds Two Shillings, and paid him in a 'Treasurer's Note at the Time he shall pass Muster; and that all the said Notes be on 'Interest, and payable the second Day of June 1760:—That to each Soldier who shall 'proceed in this Year's Campaign, there be likewise allowed a good Blanket a Knap-'sack, and a wooden Bottle or Canteen; and that to each Non-commission Officer or 'Private, there be advanced Six Pence Sterling a Day for Subsistance, from the 'Time of his Inlistment or being Impressed until he arrive at Worcester; to be paid 'upon his Marching off with the Company where the said Company is collected; The 'same Subsistence to be likewise paid to those who go by Water at the Time of their 'Embarkation; and Wages to each Private Soldier at the rate of Six Dollars per 'Month:—And for the further Encouragement of the Service, this Government has 'likewise engaged to allow to each Mess of Six Men, two Tin-Kettles; containing 'Ten Quarts each, and a Hatchet; and Thirty Watch-Coats to each Regiment:— 'And likewise to provide Hospitals, Hospital-Stores and Medicines for the Sick;'—

I Do therefore hereby promise in His Majesty's Name, and in behalf of His Majesty's Province of the Massachusetts-Bay, that there shall be a full Compliance with the Aforementioned Articles.

And I do further promise a Pardon to all such Soldiers, who being in the Pay of this Province, did in any former years desert the Service, provided they shall inlist therein for the present Campaign, on or before the Sixth Day of April as aforesaid.

Given at the Council Chamber in Boston, the Seventeenth Day of March, 1759, in the Thirty-second Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c

By his Excellency's Command, T. POWNALL.
A. Oliver Secry

God Save the King."—*Record of Civil Commissions, vol. 2½, p. 74, in Secretary's Office.*

"March 29, 1759. The Secretary by order of his Excellency having prepared the Draft of a Proclamation for the Encouragement of Seamen and others to Inlist into his Majesty's Service on board the Royal Navy on the Terms proposed by Admiral Durell—His Excellency was pleased to order the same to be Read and to desire the Opinion of the Council thereon.

The Board were of Opinion that said Proclamation should be issued, as tending to promote His Majesty's Service in the Operations of the Current Year."—*Executive Records of the Council, vol. 4, p. 62.*

"By His Excellency Thomas Pownall, Esq; Captain General and Governour in Cheif, in and over His Majesty's Province of the Massachusetts-Bay in New England, and Vice Admiral of the same.

A Proclamation.

Whereas the Great and General Court have agreed to raise Five Thousand Men for the Campaign this Present year 1759; And have Resolved, That as many of said Men as I shall think proper, and as are willing to enter into the Sea Service upon such Terms as I should settle with the Admiral or Commander in Cheif of his Majesty's Ships of War, be employed in such Service, and that Additional Wages be allowed over and above the ordinary Pay in his Majesty's Ships, so as to make their Wages equal to the Wages of those in the Land Service.

In order therefore to promote a Measure so essential to his Majesty's Service, I have thought fit to issue this Proclamation, hereby making known that Admiral Durell, Commander in Cheif of His Majesty's Ships of War at Halifax, has engaged to discharge all such Men, as shall Inlist for the Service aforesaid, agreeable to the Time they shall engage for, or at the End of the ensuing Campaign 1759; and that they shall not be carried to Europe or the West Indies; but shall be Discharged and sent to Boston in Transports for that Purpose:—That each Man who shall thus Inlist shall receive his Majesty's Royal Bounty of Forty shillings Sterling; that their Wages shall commence at the Time of their Entring, notwithstanding they may be at a Distance, and that their Pay Tickets shall be made out from the Time of their Entering to the Day of their Discharge; and that they shall pass free from being Impressed on their Passage home.

The Admiral has further Assured Me, that if among the Men who shall inlist, there are any that understand navigating a Ship, and are qualified for that Purpose, he will give them all Encouragement he is able, by enabling them to act as Midshipmen; and further promises, That the Men of such Towns as shall appear by my Certificate to have done their Share in this Service, shall be free from all Impresses by Sea.

And I do hereby engage in behalf, both of the Province and of the Admiral, that the foregoing Conditions shall be duly complied with; and that the Men who shall inlist as aforesaid, shall likewise receive the Province Bounty, agreeable to My Proclamation of the 17th Instant, and be punctually Discharged at the Time they shall inlist for: And that whatever Number of Men any Town or Company shall raise for this Service, shall be esteemed as Part of their Quota of the Five Thousand Men agreed to be raised by this Government for the general Service of the year. And for the greater Certainty and Precision in this Matter I have ordered the Inlistments to be made on the back of this Proclamation as the Conditions of the Men's Inlistment.

Given at Boston, the 29th Day of March 1759, in the Thirty-second Year of his Majesty's Reign.

By his Excellency's Command. T. POWNALL.
A. Oliver Secry.

God Save the King."—*Records of Civil Commissions, vol. 2½, p. 76, in Secretary's Office.*

"March 19, 1759. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses respectively viz[t]

Gentlemen of the Council & House of Representatives.

In order to the duly carrying into execution the Levy you have made provision for, you have laid Penalties on the Officers of the Militia who shall neglect to perform their duty in raising their respective Quotas.

I must acquaint You that last year after the Officers of the Militia had done their duty; a great defect in the Execution, great trouble in the Country, and much unnecessary harassing the Men, arose from the neglect of the Expedition Officers to attend duly the Militia Officers, and to receive of them the Men after the Militia Officers had had the trouble of raising them;

I must therefore recommend it to You to affix some sufficient Penalty on such Expedition Officer as shall neglect to Obey such orders as he shall receive from Me or his Commanding Officer, to attend the Militia Officers, to receive of them the Men raised, and duly to march them off.

T. POWNALL."—*Council Records, vol. XXII., p. 606.*

"March 20, 1759. The Secretary by order of his Excellency the Governor delivered the following Message to the House of Representatives viz[t]

Gentlemen of the House of Representatives. As General Abercromby* cannot according to the Word of the Kings Order direct provisions to be issued to any other Troops than Such as go into the Kings Service under the Generals Command. I must recommend it to you to make provision for the Subsistence of the Four hundred men employed in the Service of Penobscot: But as I apprehend that according to the Spirit of said Order the General, when he considers it, may find himself warranted to make this Allowance to such Troops as are any where employed in the Kings General Service, I will apply to him therefore.†

T. Pownall."—*Ibid., p.* 612.

"March 21, 1759. In Council. Whereas many Persons liable by Law to train may, and some have removed out of the Company whereto they belong merely to avoid being warned to attend the Muster by Law appointed on the 6th of April next. Therefore Voted That it is the desire of this Court that every such Person be notified of the Training aforesaid; and that every such person that shall be thereof notified either personally or by delivering him a Notification of the appointment of the Training aforesaid by the Act aforesaid by any person and in any place in this Province, shall be as much obliged to attend the Muster aforesaid, as if he had been notified by a Sergeant or Corporal in the Company whereunto he belongs, and be liable to the same Penalty for Non-appearance: And every person notifying as aforesaid is desired to send the Captain of the Company whereto such persons belong an Account thereof.

In the House of Representatives. Read and Nonconcurred."—*Ibid., p.* 614.

"April 24, 1759. In the House of Representatives—The House took under consideration the Letter laid before them by order of his Excellency the Governor from Ezra Richmond Esq respecting Quakers &c passed the following Vote viz[t]

Resolved. That his Excellency the Governor be desired to direct the Colonels of the several Regiments wherein there are Quakers to make return into the Secretary's Office (as soon as may be) of what number of Quakers there are belonging to each Town in their respective Regiments at the time of the Levies the last and present Year; what the proportion of each of such Towns then was of Quakers to the 7000 Men then to be raised; what Men they hired in lieu of the Quakers, and for what Towns respectively, and what they gave to the men so hired. Also as soon as may be, to make a return to the Secretary's Office what number of Quakers there were in each respective Town within their respective Regiments at the time of the making the last Levies and what the proportion of Quakers to each Town wherein there are Quakers, was to such Levies, and what they gave to the Men so hired. In Council. Read and Concurred. Consented to by the Governor.—*Ibid., p.* 685.

Chap. 22. "March 29, 1759. Upon a Question moved by his Excellency, Whether any Inhabitant of this Province liable to Train and being duly Warned (agreeable to a late Act of said Province made for the speedy levying of Soldiers for an intended Expedition against Canada) to Appear at the muster to be had on the Sixth day of April next and shall neglect to Attend will not (in the Opinion of the Board) be liable to the penalty by said Act assigned for such Delinquency altho' after such Warning or Notice given—He should inlist himself into any other Military Service whatsoever?

It was Resolved in the Affirmative.

Upon a further Question moved—Viz[t]

Whether any Person so Warned be at liberty to Inlist into any Military Service save to that which he is Warned.

Resolved in the Negative."—*Executive Records of the Council, vol.* 4, *p.* 62.

Chap. 24. "April 20, 1758. In the House of Representatives Whereas many private Soldiers raised by this Government for his Majesty's Service the last Year under the Command of his Excellency the Earl of Loudoun were killed or died in that Service leaving no Real Estate, and but little more of Personal Estate than their Wages.

Therefore Resolved. That in every such case, the Widow of said deceased Soldier, or the next of kin to said Intestate shall and hereby is impowered to receive such Wages without taking Letters of Administration on such deceased's Personal Estate, And that the Treasurer be, and hereby is directed to pay them accordingly, they to be alike accountable, and liable to the Actions of the Creditors & Heirs as if they had taken Letters of Administration. In Council. Read and Concurred."—*Council Records, vol. XXII., p.* 511.

"February 1, 1759. In the House of Representatives Voted That the Province Treasurer be, and he is hereby directed to pay to the Widows of those Soldiers who died in the last Campaign or after their return home, the Wages respectively due to such deceased Soldiers as are borne on the respective Rolls. In Council Read and Nonconcurred."—*Ibid., p.* 540.

Chap. 27. October 6, 1758. The Selectmen of the Town of Boston having presented a Memorial to his Excellency the Governor—Praying that such provision may be made for the reception and quartering of such of his Majesty's Forces as may be thought necessary to be quartered in or near said Town, as will be most for their Accomodation and Comfort, and the Peace and good Order of the Inhabitants —His Excellency sent the following Message by the Secretary to the two Houses viz[t]

* *Sic:* Amherst? † *Sic:* therefor?

Gentlemen of the Council and House of Representatives

I have received the annexed Memorial from the Town of Boston, the Remedy against the Evils so justly apprehended, should there be no suitable provision made for the reception of the Troops expected is an Object of the Legislature. I must therefore recommend to your consideration such ways and means as may prove a suitable Remedy.

Province House Octr 6. 1758 T. POWNALL."—*Council Records, vol. XXII., p.* 414.

"October 10, 1758. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses respectively vizt

Gentlemen of the Council and House of Representatives.

Being applied to by Colo Williamson for Quarters in Boston for a Number of Soldiers under his Command now on board the Transports in the Harbour, And finding that the Law making provision in such Cases is expired, I must apply to You for such an Act of Legislature as is requisite to impower the Civil Magistrate to do what is needful in such Cases.

Council Chamber Octor 10. 1758. T. POWNALL."—*Ibid., p.* 421.

Chap. 28. See notes to chap. 21, *ante.*

Chap. 29. "March 20, 1759. Mr Hatch from the House of Representatives came up to the Board with a Message proposing in the Afternoon to come to the choice of Collectors of the Excise for the year ensuing by joint Ballot of the two Houses, and desiring the Concurrence of the Board therein

Thomas Hancock Esq from the Board went down to the House of Representatives with a message acquainting them that the Board agree to their Proposal of choosing Collectors of the Excise by joint Ballot of the two Houses in the Afternoon."—*Council Records, vol. XXII., p.* 610.

"March 20, 1759. The two Houses according to Appointment proceeded to the choice of Collectors of Excise for the several Counties within the Province agreeable to An Act made and passed in the present Year of his Majesty's Reign intituled —An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges.—when the following persons were chosen by a Major Vote of the Council and House of Representatives vizt

For the County of

Suffolk	Mr Thomas Fletcher
Middlesex	Mr John Remington
Essex	Daniel Epes Esq.
Hampshire	Mr Gad Lyman
Worcester	Gardiner Chandler Esq.
Plymouth	Mr John Cushing
Barnstable	Mr Daniel Davis
Bristol	Mr Seth Williams junr
York	Mr Daniel Clark
Dukes County	Mr Ichabod Wiswall
Nantucket	Mr Thomas Arthur

The Secretary having laid before his Excellency the Governor the foregoing List, his Excellency was pleased to write thereon as follows,

I consent to the above Elections

T: POWNALL "

—*Ibid., p.* 613.

"June 7, 1759. A Petition of Jonathan Morton of Hatfeild—Setting forth That not long after the publication of the late Excise Act, he being possessed of an hogshead of Rum did innocently as being ignorant of the Law, sell the same, althô He had no permit as the Law requires to sell such Liquors. That the Excise upon said Rum has been duly paid, but the Collector being under Oath thinks himself obliged to prosecute the Petitioner for the Penalty of the Act, although he is himself satisfied with respect to the duty of Excise, as appears by his Certificate annexed. And Praying Relief.

In the House of Representatives. Read and Ordered That the Collector be directed not to prosecute the Petitioner for any Violation of the Law: it appearing that the Excise for the Rum sold, has been duly paid to the Collector. In Council. Read and Concurred.

Consented to by the Governor.

A Petition of Oliver Partridge in behalf of John Dickinson of Hatfeild—Setting forth That the said John in the month of August last, having no Permit to sell spirituous Liquors did ignorantly sell one barrell of Rum for which as appears by the Collectors Certificate the duty of Excise has been paid. And Praying he may be exempted from the Penalty of the Law for selling as aforesaid.

In the House of Representatives. Read and Ordered That the Collector be directed not to prosecute the Petitioner said John Dickinson for any violation of the Law. It appearing that the Excise for the Rum sold has been duly paid to the Collector. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., vol. XXIII., p.* 21.

"June 7, 1759. A Petition of Timothy Nash of Road-Town—Setting forth That he hath a permit in common form for the selling of Rum at his dwelling House or Store in said Road Town, but that he hath inadvertently and without any design of defrauding the Government sold Rum elsewhere, for which he hath nevertheless paid the duty of Excise. And praying that he may be exempted from the Penalty of the Law for selling as aforesaid.

In the House of Representatives. Read and Ordered That the Collector be di-

rected not to prosecute the Petitioner for any violation of the Law, it appearing that the Excise for the Rum sold has been duly paid to the Collector. In Council. Read and Concurred

Consented to by the Governor."—*Ibid.*, *p.* 22.

"June 7, 1759. A Petition of Martyn Phelps of Northampton—Setting forth That He is licensed to be a retailer of strong Liquors in said Town. That He purchasing two barrells of Rum at Boston for that purpose, was transporting the same home, but to accomodate an Innholder in said Town about four miles before he reached home did inadvertently sell one of said barrells of rum, but without any Intention to defraud the Government, and has duly paid the duty of Excise thereon. And praying he may be exempted from the penalty of the Law for so doing.

In the House of Representatives. Read and Ordered That the Collector be directed not to prosecute the Petitioner for any violation of the Law. It appearing that the Excise for the Rum sold has been duly paid to the Collector. In Council. Read and Concurred.

Consented to by the Governor.—*Ibid.*

"June 12, 1759. A Petition of Jeremiah Green Esq—Setting forth That one Thomas Stinson a person admitted a Retailer of Rum &c in the Town of Boston, is employed by the Petitioner to manage the affairs of his Distill-house, and apprehending that by his License he was at liberty to Sell Rum and other distilled Liquors from said Still house, accordingly so did, and kept a particular account of the same, and rendered said Account to the Collector of Excise, and is ready to pay the duty according to Law. That John Hill Esq and two others retailers and permitted persons received of said Stinson three hogsheads of Rum, and in their account exhibited by mistake that said Rum was bought of the Petitioner, when in fact it was bought of said Stinson and he has rendered an Account thereof to the Collector as sold to them. Yet Mr Thomas Fletcher the Collector thinks himself bound by his Oath to prosecute the Petitioner for selling said Rum contrary to Law, although he is at the same time satisfied there was no design to defraud the Government of the duty, and has certified that the same has been paid—Therefore Praying Releif.

In the House of Representatives Read and Ordered That the Collector of Excise be directed not to prosecute the Petitioner. Provided He duly pays the Excise to him for the Rum mentioned, the omission in presenting his Account notwithstanding. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid.*, *p.* 43.

"January 24, 1760. A Petition of Daniel Clarke Collector of the Excise upon Spirits &c for the County of York—Setting forth That as the County is of large extent He is at great trouble and expence in Collecting the duties of Excise. And Praying a further Allowance.

In the House of Representatives Read, and in asmuch as the County of York is of so large an Extent as renders it very inconvenient to the Petitioner to collect the Excise at three per Cent. Therefore Voted That the Petitioner be allowed two per Cent in addition to the said three per Cent, making in the whole five ℔ Cent from March 25. 1759 to March 25. 1760.

In Council. Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 203.

"April 26, 1760. A Petition of Philip Masters of Boston Retailer—Setting forth his distressed Circumstances by reason of the late Fire wherein he lost his House, and almost every thing in it, and among other things the money he had laid by to pay the duties of Excise for the last half Year. And Praying that the said duties may be remitted him.

In the House of Representatives Read, and in Answer Ordered That the Excise due from the Petitioner to the Government from the 25th March 1759 to 24: March following be remitted to him. And that the Commissioner of Excise on spirituous Liquors for the County of Suffolk for the Year 1759 govern himself accordingly.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 378.

See, also, notes to 1759-60, chap. 28.

Chap. 32. Neither the time limited for enlistments, in the resolutions of March 13th, nor the number of men voted to be raised, seems to have met the Governor's expectation or desire, and on the day when those resolutions were finally reported he sent a message to the Assembly expressing a hope that the failure to raise, this year, a force as large as was raised, "*at once*," in the previous year would not prove a "prejudice to the service." He suggested that the gravity of the situation required at least an effort equal to that which was made by them in the former campaign, and that a failure to furnish as large a quota might disarrange measures in the formation of which such a quota had been relied upon, and so "be of the most fatal consequences."

On the following day a committee was appointed to consider this message and prepare an answer thereto. This answer, which was immediately prepared, refers to the past conduct of the Assembly as an assurance that they had "no regard to quotas but were governed by the importance of the service," that, though their disposition was unchanged, it was as difficult to raise 5000 men this year as it had been to raise 7000 men for the last campaign;—"and the distress of the province then was as great as it could support itself under." They added that they could not then determine what further could be done after raising 5000 men but that the province would continue, as it always had done, to exert itself to the utmost.

A few days later, letters of encouraging import were received from Secretary Pitt and Gen. Amherst. These the Governor laid before the House of Representatives on the twenty-first of March. In the letter from Amherst, dated the 15th of the same month, the General informed the Governor of his intention to send 2500 of the

Massachusetts quota to take the place of regular troops then in garrison at Louisbourg, Halifax, Nova Scotia and the Bay of Fundy, there to remain on garrison duty, with the possibility that a portion of them would proceed on the intended expedition up the St. Lawrence. This message and accompanying letters were immediately referred to a committee.

Gen. Amherst wrote again on the twenty-third, after he had received information of the vote of the Assembly for raising forces, expressing his disappointment that the quota had been reduced from that of the previous year. Before this letter arrived the Governor had renewed his recommendation to the legislature to increase the quota, which, he urged, was to be employed in a cause that the province had always desired to engage in, and for the failure of which through their want of zeal they could never be excused. He concluded this message with the following appeal: "If it be now in your hearts to join your King and Mother country, now shew your zeal as to the ways and means of compleating efforts that call for your whole strength! I must refer wholly to you." This message was duly referred to a committee, but, before they reported, the following proceedings took place:—

"March 28, 1759. The Committee appointed the 21 Inst to consider of the several Letters his Excellency was pleased to lay before the two Houses relative to the Operations of the ensuing year—Reported as follows That it is necessary such an Addition be made to the five thousand Men raised for his Majesty's Service under the General and Commander in Cheif of his Majesty's Forces as that the whole number of Men in the Pay of the Province including those in the Province Ship, those at Castle William, and those upon the Inland Frontiers may amount to seven thousand, the additional number now raised to be under the Direction of the Commander in Cheif of his Majesty's Forces in all respects as fully as the Four thousand six hundred men, for raising of whom Provision has been made this present session. (Signed) T: HUTCHINSON Pr order.

In Council. Read and Sent down.

In the House of Representatives Read and after a debate Ordered That the further consideration of this Report be referred till the next Sitting of this Court. In Council. Read and Nonconcurred."—*Council Records, vol. XXII., p.* 638.

The thanks of the Assembly were also voted to the Governor for his repeated applications to the King for reimbursement, and preparations were made for transmitting the money, if voted; if not, the Agent was instructed to use his best endeavors to procure an appropriation. Surgeon's chests, shirts, hose and shoes were directed to be provided for the army and then the following action was taken:—

"March 28, 1759. The Committee appointed on his Excellency's Message of the 26 Instant reported the following draft of an answer thereto submitting the same (Signed) ISAAC ROYALL.

May it please your Excellency

The importance of the Service which your Excellency has so warmly recommended to the two Houses has induced them to come into measures for raising a number of Men, which they at present apprehend equal to the Abilities of the Province especially considering how many have already entered into other Services, notwithstanding which, if after the raising the Men already voted, the necessity of the Service, and State and Circumstances of the Government will admit, we shall be still willing to exert Ourselves to the Utmost; but as it is necessary that the several Members of the Court should be at their respective Towns to encourage the Levies already Voted, they are desirous, if your Excellency thinks proper, of having a short Recess, and when they come together again, after the time appointed for the compleating of the said Levies, they will be the better able to judge how far it is in their power to exert themselves further. In Council. Read and Accepted. And Ordered That Samuel Danforth Esq with such as the honourable House shall join be a Committee to wait on his Excellency with the said Message.

In the House of Representatives Read and Concurred and Colo Buckminster and Mr Turner are joined in the Affair."—*Ibid., p.* 643.

At the beginning of the fifth session (Apr. 11,) the Governor sent down a message which, with the action of the Assembly thereon, is hereunder given:—

"Gentlemen of the Council and House of Representatives.

I have by my Speech and several Messages this Sessions laid before You every Reason and Motive that can induce you to join your King and the Mother Country with the same Efforts You did last year. You have answered Me that you will exert yourselves to the Utmost of your Abilities, and that if, After raising the present 5000 Men, it should appear that the Abilities of the Province were equal to the raising more Men, you would, if the Service should require it, further exert yourselves.

You will see by the Letters I now order to be laid before You, that the Service dos absolutely require it, and I can add nothing to the Motives which must arise from the Considerations of your own Honour, Duty and Interest.

Council Chamber T. POWNALL.
April 11. 1759

Two Letters from Major General Amherst one dated New York * the other April, † 1759, being the Letters referred to in the foregoing Message were afterwards laid before the two Houses."—*Ibid., p.* 647.

"April 12, 1759. In the House of Representatives Voted that Mr Prat, Colo White, Capth Bacon, Colo Gerrish and Mr Tyng with such as the honourable Board shall appoint be a Committee to take his Excellency's Message and Letters referred to, under consideration, and report what they judge proper for this Court to do thereon. In Council. Read and Concurred and his Honour the Lieutenant Gov-

* March 23. † April 5.

ernor, John Osborne, John Cushing, and William Brattle Esq[rs] are joined in the Affair."—*Ibid., p.* 648.

This was followed by another message, on the 18th, upon which a vote was passed referring it, with the accompanying letters, to a joint committee; and on the same day the Assembly voted to raise 1500 men in addition to the number already voted to be raised, and sent up an address in answer to the Governor's message of the 11th. The message, vote of reference, and subsequent proceedings are hereunder given:—

"Gentlemen of the Council and House of Representatives.

Upon fitting out the Troops for the present Expedition, I find a large and unexpected deficiency of Arms.

The measure (namely that of Stoppages on the mens Pay) gone into by the Court to remedy this, may make Amends for the Loss, *but dos not remedy the deficiency.* Now it appears to me that Stoppages made for the Loss of Arms given by the Crown, are in the nature of the thing appropriated to replace them, as the Province has indented for them. And I cannot but think that Stoppages made for Arms granted by the General Court should in the reason of the thing be also appropriated to replace Province Arms, as these are a Grant already made to the Crown.

However I recommend this Matter to your consideration And if you think any thing further necessary to be done I must desire You will appropriate the Sum arising by such Stoppages to the buying other Arms, and I will make myself answerable to the Province for them.

April 18, 1759. T. Pownall

In the House of Representatives Read and Ordered That M[r] Flucker M[r] Hatch and M[r] Russell with Such as the honourable Board shall appoint take this Message together with the Account of Stoppages charged in the several Muster Rolls for Arms &[c] not returned in the Expeditions 1757 and 1758 under consideration and report what they Judge proper to be done thereon. In Council. Read and Concurred and Benj[a] Lynde & Samuel Watts Esq[rs] are joined in the Affair."—*Ibid., p.* 660.

"April 18, 1759. The House of Representatives having sent up to the Board for their Concurrence an Establishment for fifteen hundred Men in addition to the 5000, already granted for the general Service of the year, the Board took the same into consideration, but declined passing upon it at present and appointed Benjamin Lynde Esq and Others a Committee to go down to the House of Representatives with a verbal Message to acquaint them that the Board had not passed upon said Establishment as they apprehended that neither the Number of Men thus provided for, nor the Bounty for their encouragement to inlist, nor the Prœmium granted for the inlisting Officers, were sufficient to answer the purpose, and to move to the House to reconsider the matter, and if they should be of opinion the Circumstances of the Province would allow of it, to make such further provision as they should judge best.

To which Message the Board received an Answer by Col[o] White and Others a Committee of the House of Representatives informing the Board that the House had considered their Message, and did not judge it fit to augment the number of Men or the Bounty.

The Board then proceeded to pass upon the Establishment which is as follows viz[t]

In the House of Representatives Whereas the Extraordinary Efforts of this Province for his Majesty's Service ever since the commencement of the Rupture with France, more especially in the last Campaign have reduced it to such an exhausted and distressed State, that the Province could not without great difficulty raise the Five thousand Men it has already raised, and that another Impress this year would be of ruinous and fatal consequence.

Therefore Voted and Resolved That so many Men as with their Officers will make up fifteen hundred be raised by voluntary Inlistments, if they can be so procured, but not otherwise: That each able bodied effective Noncommissioned Officer and private Soldier who shall inlist into his Majesty's Service in the Expedition against Canada on or before the tenth day of May next shall on his passing muster by such Person whom his Excellency the Governor shall appoint in the Regiment to which they belong, be intitled to receive as Bounty two Treasurer's Notes, one of Six pounds payable with Interest on the second day of June 1760, and one of Eight pounds payable with Interest on the second day of June 1761, together with a Blanket, Knapsack, Canteen, or Wood Bottle, and other Articles in the like proportion as have been allowed to the 5000 already Voted by this Court.

Also Voted and Resolved That the following Establishment be made for the Officers and Private Men that may be raised in consequence of the above Resolve viz[t]

	℔ month
For one Colonel for said fifteen hundred men	£.25.
For one Lieutenant Colonel for said Regiment	16. 13. 4
For one Major to ditto	13. 6. 8
For a Captain of Fifty Men including Officers	9. " "
For two Lieutenants for such Company, each	5. " "
For one Ensign for ditto	3. 10.
For one Chaplain for each Regiment, if a settled Minister and leaves his Congregation	10. "
For a Minister not settled	8. "
For one Surgeon to ditto	10. "
For two Surgeon's Mates to ditto, each	5. 6. 8
For one Adjutant	4. " "
For one Quarter Master to ditto	5. " "

	℔ᵗ month
For each Sergeant	£2. 3. 1
For each Corporal	1. 18. 7
For two Drummers, each	1. 18. 7
For each Private.	1. 16.

Also further Resolved That all other Allowance be granted to the Officers and Men now to be raised, as has been granted to them already raised, and that they be continued in the Service for a time not exceeding the first day of November next, and to be dismissed as much sooner as his Majesty's Service will admit.

Also Resolved That his Excellency the Governor be desired in issuing his Commissions to grant them to such persons as being otherwise qualified, and being Inhabitants of this Government shall inlist the greatest number of Men.

Also Resolved That the following Establishment be made vizᵗ

	℔ᵗ month
For one Gunner for the Forces going to Penobscot	£5. " "
For one Quarter Gunner for ditto	2. 10. "
For one Quarter Master for each of the Regiments going Westward	5. " "
For a Commissary for ditto	8. " "
For a Commissary for the Regiment destined to Louisbourgh	8. " "
For three Commissaries for the Forces destined for Nova Scotia, vizᵗ one to be at Halifax, one at Fort Cumberland & one at Annapolis, each	8.

Which Commissaries are to have the care of issuing out the Hospital Stores.

Also Resolved That those Persons who shall be appointed Commissaries for the intended Expedition the present year shall not on any pretence whatsoever supply the Forces with any Stores of any kind, but what they receive from the Government. And if any of said Commissaries shall supply the said Forces in any other way than as aforesaid he shall not be entitled to any Wages from the Government, nor be made up in any Pay Roll whatsoever. In Council. Read and Concurred.

Consented to by the Governor.

In the House of of * Representatives. Voted That three shillings be allowed in addition to the three already passed as a Prœmium to the enlisting Officers for raising Men &ᶜ In Council. Read and Concurred.

Consented to by the Governor.

The Committee appointed to consider his Excellency's Message recommending an augmentation of the Forces—reported the draft of a Message to his Excellency, as follows— (Signed) T: HUTCHINSON—

May it Please your Excellency.

The several Reasons and Motives which your Excellency has from time to time laid before the two Houses in order to induce an Augmentation of the Forces for the Service of the present year have been maturely weighed and considered by us.

We have likewise had an Opportunity in the Recess of the Court of acquainting Ourselves with the State of the several parts of the Province, and its Ability for raising an Additional number of Men. We acknowledge with Gratitude that the Interest and Ease of the People has been consulted by your Excellency in making the late Levy as far as could consist with his Majesty's Service, and the purposes for which the Men are raised. The Distress brought upon the Inhabitants is notwithstanding extremely great.

The number of Men raised this year we are sensible is not equal to that of the last. The Assembly then made the greatest Effort that has ever been known in the Province. They looked upon it to be the last Effort; They had no expectation that it could be repeated, and it was really so great as to render it impracticable for Us to make the like a second time. The number of our Inhabitants is since then much lessen'd. Some were killed in Battle, many died by Sickness while they were in Service, or soon after their return home, Great numbers have inlisted as Rangers Artificers. Recruits in his Majesty's Regular Forces, and for other Branches of the Service.

The unprecedented Charge of the last year also tends to increase the distress of the Province, the expence of the Regiments raised for his Majesty's Service amounted to near One hundred and twenty thousand Pounds Sterlᵍ, besides this the Inhabitants of the several Towns in the Province by Fines or by Voluntary Contributions to procure Men for the Service paid at least Sixty thousand pounds Sterling more, which is in all respects as burdensome as if it had been raised as a Tax by this Government. The Defence of our own Frontiers and the other ordinary Charges of Government amount to at least Thirty thousand pounds Sterlᵍ more. Because the Province the last Year raised 7000 Men, it is inferred that it is able to raise the same number this, and no Allowance is made for its being so much reduced in its Estate and number of Inhabitants.

We have generally been the first in proposals for Public Service, and have determined what Force we would employ. Other Governments have followed after Us in just what proportion they pleased, and we wish it had been in an equal one. We are now lessened and they are increased, and We are yet urged to continue the same proportion. We have always chose to avoid entering into the consideration of Quotas or Proportions, but We seem now obliged to do it. We conceive that in order to determine a just proportion, the Wealth, the number of Inhabitants and the Charges of each Government for its immediate defence are all to come under consideration. If this be allowed to be a just Rule to determine by, we are sure that not only in all past Years, but in this present year also we have done more in proportion to the General Service than any one Government upon the Continent.

We know of no Quota settled for each Colony. The Agreement made at Albany by the Commissioners in the year 1754 has been generally urged as a Rule of pro-

* *Sic.*

portion since that time, but it was agreed by the same Commissioners that Regard should be always had to the special Services of any Colony for its immediate defence. We are obliged to keep six hundred Men in pay for the defence of our Frontiers & Sea Coasts; this Charge some of the other Governments are wholly free from, and the rest subject to in very small degree. Exclusive of the 600 Men aforesaid we have already raised 5000 Men for the General Service, Connecticut have raised in proportion to the 5000, only according to the Albany Plan without any Regard to the 600: every other Government falls short even of that, so that We have this year already done more in proportion than any of our Neighbours.

We are told that We are the leading Province, We have been so for many years past, and we have been as long unequally burdened. We have borne it patiently, although We have seen our Inhabitants leaving Us and removing to other Governments to live more free from Taxes. and a few years ago for this reason alone, four of our Principal Towns refused to submit any longer to our Jurisdiction, and another Government found a pretence for receiving them, and they are not yet returned to Us. Under these difficulties We are still willing to afford every reasonable aid in our power. A further Impress would distress and discourage the People to such a degree, that as well in faithfulness to the Service, as to the particular Interest of this Province We are bound to decline it, But great as our Burdens are, We have now engaged a bounty more than double what has ever yet been given by the Province in order to procure a voluntary Inlistment of fifteen hundred Men over and above the five thousand already raised, and we have reason to hope that this Bounty will be sufficient and have the Effect which your Excellency desires.

In the House of Representatives Read and Ordered That this Report be accepted and that Colº Jones and Colº Lawrence with Such as the honourable Board shall appoint be a Committee to wait on his Excellency with the foregoing Message. In Council. Read and Concurred and Andrew Oliver Esq is joined in the Affair."—*Ibid.*, *p.* 662.

"April 24, 1759. In the House of Representatives Voted That the time for inlisting the fifteen hundred Men which was determined by this Court to be on or before the 10th of May next, be further lengthned to the 17th of the same month. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid.*, *p.* 682.

There were other messages and votes this session connected with the subject of raising men for the service; but as they related, chiefly, to the deficiency and procurement of arms, to the protection of the frontier town of Stockbridge—left exposed by the absence of nearly fifty of its men who had entered the service—and to a proposed impress of sailors to man the transports, they are omitted here as not specially pertinent to this chapter.

Chap. 38. "January 17, 1757. In the House of Representatives January 15, 1757. —Whereas in and by an Act of this Province made and passed in the Twenty Ninth Year of his present Majestys Reign, intitled 'an Act for raising a Sum of Money by 'a Lottery or Lotteries for the paving and repairing the Neck, leading out of the 'Town of Boston, called Boston Neck'—

Messrs Samuel Grant, Thomas Hill Joshua Henshaw, Joseph Jackson Thomas Cushing Samuel Hewes & John Scollay of Boston, or any three of them are allowed & Impowered to Set up and carry on One or more Lottery or Lotteries amounting in the whole to such a Sum as by drawing or deducting Ten ℔ Cent out of the Same or out of each Prize or Benefit Ticket may raise Three thousand Pounds & no more, which Sum when raised should be paid to the Town Treasurer of Boston within Ten days after the Sale of the Tickets for the Lottery or Lotteries aforesaid shall be compleated—And Whereas the aforesaid Samuel Grant, Thomas Hill, Joshua Henshaw, Joseph Jackson, Thomas Cushing Samuel Hewes & John Scollay have proposed to raise the said Sum of Three Thousand Pounds by Five several Lotteries & have accordingly set up & carried on One of the said Five already whereby they have raised Two Thousand Dollars, and paid the same into the Treasurer of the Town of Boston, and are now carrying on a Second Lottery, for the raising Twenty One Hundred Dollars more, which is near compleat, and whereas a Doubt has arisen whether the Select Men of the Town of Boston for the time being, who are by said Act impowered to Contract and agree for the Paving and Repairing the Neck aforesaid can enter upon or begin the same till the full Sum of Three Thousand Pounds be raised, & thereupon a considerable Sum of Money must be unimproved and the Work not effected for a long time which would be a Publick damage.

Resolved that it is the true intent and meaning of the said Act that on the said Samuel Grant, Thomas Hill, Joshua Henshaw, Joseph Jackson, Thomas Cushing Samuel Hewes & John Scollay their receiving the Sum proposed to be raised by each Lottery and paying the same to the Treasurer of the Town of Boston, the Select Men of said Boston for the time being be & accordingly they hereby are Authoriz'd and Impowered to begin & Carry on the said Work, and to draw out of the Treasury the Money so raised from time to time, for the End & Use provided for in said Act. In Council; Read & Concurr'd.

Consented to by the Lieutenant Governour."—*Council Records, vol. XXI., p.* 338.

"August 27, 1757. A Petition of the Selectmen of the Town of Boston—Praying that they may be indulged with further time for drawing the Lotteries granted them by the Government, than that to which they are confined by the Act of this Court. And that they may be allowed to lay out a part of the money which may be rais'd by said Lotteries in building a Wharf or Wall for the preservation of the Pavement, for the effecting of which the Lotteries aforesaid were originally granted.

In the House of Representatives. Ordered That the Prayer of this Petition be granted. And that the Memorialists have liberty to dispose of such Ticketts as are

not yet sold of their Lottery N° 3 for the space of three months from and after the 7th of September next, and to draw said Lottery within that time. Also that said Memorialists be and they hereby are allow'd such further time for drawing any other Lotteries they are impowered to do by the Act passed in January 1756, for the purposes therein mentioned, as they shall judge necessary and convenient not exceeding two years in the whole from this time any thing in the said Act to the contrary notwithstanding. Also that the Memorialists be, and they hereby are impowered to lay out so much of the monies as already hath been or hereafter may be raised by Lotteries for building a Wall or Wharf for securing the Pavement on the Neck as they may think proper, and then proceed to finish the remaining part of paving said Neck according to the directions of the Act aforesaid. In Council. Read and Concurred.

Consented to by the Governor."—*Ibid., vol. XXII., p.* 99.

ACTS,

PASSED 1759–60.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE THIRTIETH DAY OF MAY, A. D. 1759.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOUR.

Be it enacted by the Governour, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasurer* to his excellency Thomas Pownall, Esquire, captain-general and governour-in-chief in and over his majesty's province of the Massachusetts-Bay, to enable him to carry on the affairs of government. [*Passed June* 15.

CHAPTER 2.

AN ACT FOR APPORTIONING AND ASSESSING THE SUM OF NINETY-FOUR THOUSAND SEVEN HUNDRED AND EIGHTY POUNDS THREE SHILLINGS AND TWOPENCE; ALSO FOR APPORTIONING AND ASSESSING A TAX OF THREE HUNDRED POUNDS, FOR FINES LAID UPON TOWNS THAT HAVE NOT SENT ANY PERSONS TO REPRESENT THEM IN THE GENERAL COURT THE PRESENT YEAR; ALSO FOR APPORTIONING AND ASSESSING A TAX OF FIVE THOUSAND ONE HUNDRED AND THIRTY-FOUR POUNDS ELEVEN SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT, IN THE YEARS ONE THOUSAND SEVEN HUNDRED AND FIFTY-SEVEN, AND ONE THOUSAND SEVEN HUNDRED AND FIFTY-EIGHT; ALSO FOR ASSESSING A TAX OF SIX HUNDRED AND SIXTY-TWO POUNDS FOUR SHILLINGS AND SIXPENCE, UPON THE TOWN OF SHERBURN, UPON NANTUCKET, IN LIEU OF THEIR PROPORTION OF SOLDIERS FOR CARRYING ON THE PRESENT WAR; AND ALSO FOR ASSESSING A TAX OF THREE THOUSAND AND FIFTY-THREE POUNDS ONE SHILLING AND FOURPENCE, UPON SUNDRY TOWNS, TO BE LEVIED UPON THE PEOPLE CALLED QUAKERS, IN LIEU OF FURNISHING THEIR RESPECTIVE QUOTAS OF MEN FOR THE MILITARY SERVICE, IN THE YEARS ONE THOUSAND SEVEN HUNDRED AND FIFTY-EIGHT, AND ONE THOUSAND SEVEN HUNDRED AND FIFTY-NINE.

WHEREAS the great and general court or assembly of this province did, in their sessions in May, one thousand seven hundred and fifty-seven, levy a tax of sixty-nine thousand and eight hundred pounds; 1757-58, chap. 3, § 7

* *Sic:* treasury.

1757-58, chap. 4, § 3.
1757-58, chap. 30, § 2.

and also, in the same session, did levy another tax of four thousand one hundred and thirty pounds; and at the session in March, one thousand seven hundred and fifty-eight, did levy a further tax of thirty thousand pounds,—amounting in the whole to the sum of one hundred and three thousand nine hundred and thirty pounds; and by said acts, provision was made that the general court, at this present session, might apportion the same on the several towns, districts, parishes and places within this province, if they thought fit; wherefore, for the ordering, directing and effectual drawing in the said sum of one hundred and three thousand nine hundred and thirty pounds, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That each town, district, parish or place within this province be assessed and pay, as such town, district, parish and place's proportion of the sum of one hundred and three thousand nine hundred and thirty pounds, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	FINES FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Boston	£0 0s. 0d.	£178 4s. 0d.	£0 0s. 0d.	£15,554 14s. 5d.	Fifteen thousand seven hundred thirty-two pounds eighteen shillings and fivepence	£15,732 18s. 5d.
Roxbury	0 0 0	44 8 0	0 0 0	876 3 10	Nine hundred and twenty pounds eleven shillings and tenpence	920 11 10
Dorchester	0 0 0	41 4 0	0 0 0	867 14 1	Nine hundred and eight pounds eighteen shillings and one penny	908 18 1
Milton	0 0 0	51 12 0	0 0 0	461 1 7	Five hundred and twelve pounds thirteen shillings and sevenpence	512 13 7
Brantree	0 0 0	51 14 0	0 0 0	999 16 9	One thousand and fifty-one pounds ten shillings and ninepence	1,051 10 9
Weymouth	0 0 0	51 4 0	0 0 0	589 13 7	Six hundred and forty pounds seventeen shillings and sevenpence	640 17 7
Hingham	0 0 0	51 0 0	0 0 0	1,037 19 2	One thousand and eighty-eight pounds nineteen shillings and twopence	1,088 19 2
Dedham	0 0 0	52 8 0	0 0 0	689 11 11	Seven hundred and forty-one pounds nineteen shillings and elevenpence	741 19 11
Medfield	0 0 0	51 16 0	0 0 0	426 10 10	Four hundred and seventy-eight pounds six shillings and tenpence	478 6 10
Wrentham	0 0 0	51 4 0	0 0 0	703 13 4	Seven hundred and fifty-four pounds seventeen shillings and fourpence	754 17 4
Brookline	0 0 0	22 16 0	0 0 0	265 8 2	Two hundred and eighty-eight pounds four shillings and twopence	288 4 2
Needham	0 0 0	0 0 0	0 0 0	349 18 6	Three hundred and forty-nine pounds eighteen shillings and sixpence	349 18 6
Stoughton	0 0 0	47 8 0	0 0 0	621 18 9	Six hundred and sixty-nine pounds six shillings and ninepence	669 6 9
Medway	20 0 0	20 16 0	0 0 0	349 18 6	Three hundred and ninety pounds fourteen shillings and sixpence	390 14 6
Bellingham	0 0 0	0 0 0	0 0 0	135 17 3	One hundred and thirty-five pounds seventeen shillings and threepence	135 17 3

IN THE COUNTY OF SUFFOLK—*Continued.*

	FINES FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Hull	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£162 9*s.* 7*d.*	One hundred and sixty-two pounds nine shillings and sevenpence	£162 9*s.* 7*d.*
Walpole	0 0 0	0 0 0	0 0 0	260 3 11	Two hundred and sixty pounds three shillings and elevenpence	260 3 11
Chelsea	0 0 0	41 4 0	0 0 0	362 3 5	Four hundred and three pounds seven shillings and fivepence	403 7 5
	£20 0*s.* 0*d.*	£756 18*s.* 0*d.*	£0 0*s.* 0*d.*	£24,714 17*s.* 7*d.*	Twenty-five thousand four hundr. and ninety-one pounds fifteen shillings and 7 p.	£25,491 15*s.* 7*d.*

IN THE COUNTY OF ESSEX.

Salem	£0 0*s.* 0*d.*	£51 12*s.* 6*d.*	£98 0*s.* 0*d.*	£1,492 18*s.* 8*d.*	One thousand six hundred and forty-two pounds ten shillings and eightpence	£1,642 10*s.* 8*d.*
Danvers	0 0 0	50 12 0	102 13 4	830 3 11	Nine hundred and eighty-three pounds nine shillings and threepence	983 9 3
Ipswich	0 0 0	44 8 0	0 0 0	2,130 8 5	Two thousand one hundred and seventy-four pounds sixteen shillings and five p.	2,174 16 5
Newbury	0 0 0	82 12 0	113 4 0	2,742 3 10	Two thousand nine hundred and thirty-seven pounds nineteen shillings and ten p.	2,937 19 10
Marblehead	0 0 0	42 0 0	0 0 0	1,626 16 7	One thousand six hundred and sixty-eight pounds sixteen shillings and seven p.	1,668 16 7
Lynn	0 0 0	51 0 0	152 0 0	876 8 0	One thousand and seventy-nine pounds eight shillings	1,079 8 0
Andover	0 0 0	56 16 0	0 0 0	1,202 13 1	One thousand two hundr. and fifty-nine pounds nine shillings and one penny	1,259 9 1
Beverley	0 0 0	50 8 0	0 0 0	745 5 8	Seven hundred and ninety-five pounds thirteen shillings and eightpence	795 13 8
Rowley	0 0 0	50 8 0	0 0 0	758 10 2	Eight hundred and eight pounds eighteen shillings and twopence	808 18 2
Salisbury	0 0 0	58 4 0	41 15 8	596 7 11	Six hundred and ninety-six pounds seven shillings and sevenpence	696 7 7

Haverhill . .	0 0 0	59 4 0	0 0 0	700 5 4	Seven hundred and fifty-nine pounds nine shillings and fourpence	759 9 4
Glocester . .	0 0 0	53 4 0	0 0 0	1,239 15 8	One thousand two hundred and ninety-two pounds nineteen shillings and eight p.	1,292 19 8
Topsfield . . .	10 0 0	56 6 0	0 0 0	331 15 2	Three hundred and ninety-eight pounds one shilling and twopence	398 1 2
Boxford . . .	0 0 0	53 4 0	0 0 0	438 15 10	Four hundred and ninety-one pound nineteen shillings and tenpence	491 19 10
Almsbury . .	0 0 0	54 9 0	76 13 4	549 15 8	Six hundred and eighty pounds eighteen shillings . .	680 18 0
Bradford . . .	0 0 0	56 0 0	0 0 0	492 1 11	Five hundred and forty-eight pounds one shilling and elevenpence	548 1 11
Wenham . . .	15 0 0	0 0 0	0 0 0	278 16 7	Two hundred and ninety-three pounds sixteen shillings and sevenpence	293 16 7
Middleton . .	10 0 0	0 0 0	0 0 0	247 12 9	Two hundred and fifty-seven pounds twelve shillings and ninepence	257 12 9
Manchester . .	0 0 0	0 0 0	0 0 0	199 9 2	One hundred and ninety-nine pounds nine shillings and twopence	199 9 2
Methuen . . .	0 0 0	0 0 0	0 0 0	317 11 1	Three hundred and seventeen pounds eleven shillings and one penny	317 11 1
	£35 0*s.* 0*d.*	£870 7*s.* 0*d.*	£584 6*s.* 4*d.*	£17,797 15*s.* 5*d.*	Nineteen thousand two hundr. and eighty-seven pounds eight shillings and nine p.	£19,287 8 9

IN THE COUNTY OF MIDDLESEX.

Cambridge . .	£0 0*s.* 0*d.*	£37 8*s.* 0*d.*	£0 0*s.* 0*d.*	£661 19*s.* 1*d.*	Six hundred ninety-nine pounds seven shillings and one penny	£699 7*s.* 1*d.*
Charlstown . .	0 0 0	43 4 0	0 0 0	856 10 6	Eight hundred and ninety-nine pounds fourteen shillings and sixpence	899 14 6
Watertown . .	0 0 0	25 16 0	0 0 0	351 2 4	Three hundred and seventy-six pounds eighteen shillings and fourpence	376 18 4
Woburn . . .	0 0 0	49 8 0	0 0 0	616 2 9	Six hundred and sixty-five pounds ten shillings and ninepence	665 10 9
Concord . . .	0 0 0	53 0 0	0 0 0	576 4 6	Six hundred and twenty-nine pounds four shillings and sixpence	629 4 6
Newton . . .	0 0 0	51 4 0	0 0 0	616 2 9	Six hundred and sixty-seven pounds six shillings and ninepence	667 6 9
Sudbury . . .	0 0 0	52 4 0	0 0 0	666 6 0	Seven hundred and eighteen pounds ten shillings . .	718 10 0

IN THE COUNTY OF MIDDLESEX—*Continued.*

	FINES FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Marlborough	£0 0*s.* 0*d.*	£53 8*s.* 0*d.*	£0 0*s.* 0*d.*	£663 10*s.* 4*d.*	Seven hundred and sixteen pounds eighteen shillings and fourpence	£716 18*s.* 4*d.*
Billerica	0 0 0	50 16 0	0 0 0	388 12 7	Four hundred and thirty-nine pounds eight shillings and sevenpence	439 8 7
Framingham	0 0 0	54 12 0	0 0 0	507 2 8	Five hundred and sixty-one pounds fourteen shillings and eightpence	561 14 8
Lexington	0 0 0	53 4 0	0 0 0	424 0 8	Four hundred and seventy-seven pounds four shillings and eightpence	477 4 8
Chelmsford	0 0 0	51 12 0	0 0 0	379 2 11	Four hundred and thirty pounds fourteen shillings and elevenpence	430 14 11
Sherburne	20 0 0	16 4 0	0 0 0	261 17 0	Two hundred and ninety-eight pounds one shilling	298 1 0
Reading	0 0 0	53 4 0	0 0 0	625 12 3	Six hundred and seventy-eight pounds sixteen shillings and threepence	678 16 3
Malden	0 0 0	45 16 0	0 0 0	499 4 4	Five hundred and forty-five pounds and fourpence	545 0 4
Weston	0 0 0	54 8 0	0 0 0	280 4 0	Three hundred and thirty-four pounds twelve shillings	334 12 0
Medford	0 0 0	44 0 0	0 0 0	490 18 4	Five hundred and thirty-four pounds eighteen shillings and fourpence	534 18 4
Littleton	15 0 0	0 0 0	0 0 0	266 3 11	Two hundred and eighty-one pounds three shillings and elevenpence	281 3 11
Hopkinston	15 0 0	0 0 0	0 0 0	232 4 8	Two hundred and forty-seven pounds four shillings and eightpence	247 4 8
Westford	0 0 0	21 12 0	0 0 0	255 18 8	Two hundred and seventy-seven pounds ten shillings and eightpence	277 10 8
Shirley	0 0 0	4 4 0	0 0 0	65 3 5	Sixty-nine pounds seven shillings and fivepence	69 7 5
Waltham	0 0 0	49 12 0	0 0 0	327 16 3	Three hundred and seventy-seven pounds eight shillings and threepence	377 8 3
Townshend	10 0 0	0 0 0	0 0 0	144 19 2	One hundred and fifty-four pounds nineteen shillings and twopence	154 19 2
Stow	10 0 0	30 0 0	0 0 0	232 4 8	Two hundred and seventy-two pounds four shillings and eightpence	272 4 8
Stoneham	0 0 0	0 0 0	0 0 0	166 5 3	One hundred and sixty-six pounds five shillings and threepence	166 5 3
Groton	0 0 0	32 12 0	0 0 0	467 17 9	Five hundred pounds nine shillings and ninepence	500 9 9

Wilmington . .	10	0	0	0	0	0	0	0	0	189	11	5	One hundred and ninety-nine pounds eleven shillings and fivepence	199	11	5
Natick . . .	0	0	0	0	0	0	0	0	0	131	18	3	One hundred and thirty-one pounds eighteen shillings and threepence	131	18	3
Dracut . . .	0	0	0	0	0	0	0	0	0	186	8	6	One hundred and eighty-six pounds eight shillings and sixpence	186	8	6
Bedford . . .	0	0	0	0	0	0	0	0	0	217	12	8	Two hundred and seventeen pounds twelve shillings and eightpence	217	12	8
Holliston . . .	0	0	0	0	0	0	0	0	0	211	6	1	Two hundred and eleven pounds six shillings and one penny	211	6	1
Tewksbury . .	10	0	0	0	0	0	0	0	0	186	8	5	One hundred and ninety-six pounds eight shillings and fivepence	196	8	5
Acton . . .	0	0	0	0	0	0	0	0	0	137	8	11	One hundred and thirty-seven pounds eight shillings and elevenpence	137	8	11
Dunstable . .	0	0	0	0	0	0	0	0	0	176	16	2	One hundred and seventy-six pounds sixteen shillings and twopence	176	16	2
Pepperrel . .	0	0	0	10	8	0	0	0	0	149	11	2	One hundred and fifty-nine* pounds nineteen shillings and twopence	159	19	2
Lincoln . . .	0	0	0	3	8	0	0	0	0	261	19	1	Two hundred and sixty-five pounds seven shillings and one penny	265	7	1
	£90	0*s.*	0*d.*	£941	4*s.*	0*d.*	£0	0*s.*	0*d.*	£12,872	7*s.*	5*d.*	Thirteen thousand nine hundr. and three pounds eleven shillings and fivepence	£13,903	11*s.*	5*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield . .	£0	0*s.*	0*d.*	£62	4*s.*	0*d.*	£0	0*s.*	0*d.*	£922	12*s.*	3*d.*	Nine hundred and eighty-four pounds sixteen shillings and threepence	£984	16*s.*	3*d.*
Northampton . .	0	0	0	44	6	0	0	0	0	525	17	5	Five hundred and seventy pounds three shillings and fivepence	570	3	5
Hatfield . . .	0	0	0	47	12	0	0	0	0	283	19	6	Three hundred and thirty-one pounds eleven shillings and sixpence	331	11	6
Westfield . .	0	0	0	63	8	0	0	0	0	371	5	10	Four hundred and thirty-four pounds thirteen shillings and tenpence	434	13	10
Enfield . . .	0	0	0	0	0	0	0	0	0	274	9	9	Two hundred and seventy-four pounds nine shillings and ninepence	274	9	9
Deerfield . . .	0	0	0	28	3	0	0	0	0	190	4	10	Two hundred and eighteen pounds seven shillings and tenpence	218	7	10

* "fifty ninety" in the printed act.

IN THE COUNTY OF HAMPSHIRE—*Continued.*

	FINES FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Sheffield	£0 0*s.* 0*d.*	£48 4*s.* 0*d.*	£0 0*s.* 0*d.*	£409 11*s.* 6*d.*	Four hundred and fifty-seven pounds fifteen shillings and sixpence	£457 15*s.* 6*d.*
Northfield	0 0 0	0 0 0	0 0 0	99 2 10	Ninety-nine pounds two shillings and tenpence	99 2 10
Hadley	0 0 0	29 16 0	0 0 0	317 7 6	Three hundred and forty-seven pounds three shillings and sixpence	347 3 6
Suffield	0 0 0	0 0 0	0 0 0	509 10 0	Five hundred and nine pounds ten shillings	509 10 0
Sunderland	0 0 0	17 10 8	0 0 0	93 19 4	One hundred eleven pounds ten shillings	111 10 0
Montague	0 0 0	17 10 8	0 0 0	68 15 3	Eighty-six pounds five shillings and elevenpence	86 5 11
Brimfield	0 0 0	25 16 0	0 0 0	312 0 4	Three hundred and thirty-seven pounds sixteen shillings and fourpence	337 16 4
Somers	0 0 0	0 0 0	0 0 0	185 18 0	One hundred eighty-five pounds eighteen shillings	185 18 0
Southampton	0 0 0	14 14 0	0 0 0	85 2 9	Ninety-nine pounds sixteen shillings and ninepence	99 16 9
South Hadley	0 0 0	15 0 0	0 0 0	170 16 0	One hundred and eighty-five pounds sixteen shillings	185 16 0
Palmer	0 0 0	0 0 0	0 0 0	116 18 4	One hundred and sixteen pounds eighteen shillings and fourpence	116 18 4
Pelham	0 0 0	0 0 0	0 0 0	99 10 7	Ninety-nine pounds ten and sevenpence	99 10 7
Granville	0 0 0	0 0 0	0 0 0	66 7 0	Sixty-six pounds seven shillings	66 7 0
Coldspring	0 0 0	0 0 0	0 0 0	66 7 0	Sixty-six pounds seven shillings	66 7 0
Greenwich	0 0 0	0 0 0	0 0 0	74 5 2	Seventy-four pounds five shillings and twopence	74 5 2
Blanford	0 0 0	0 0 0	0 0 0	41 17 5	Forty-one pounds seventeen shillings and fivepence	41 17 5
New Salem	0 0 0	17 10 8	0 0 0	47 7 10	Sixty-four pounds eighteen shillings and sixpence	64 18 6
New Marlborough	0 0 0	0 0 0	0 0 0	71 1 10	Seventy-one pounds one shilling and tenpence	71 1 10
No. One (in the line of towns)	0 0 0	0 0 0	0 0 0	47 7 10	Forty-seven pounds seven shillings and tenpence	47 7 10
Ware River	0 0 0	0 0 0	0 0 0	47 7 10	Forty-seven pounds seven shillings and tenpence	47 7 10
Stockbridge	0 0 0	21 12 0	0 0 0	94 15 10	One hundred and sixteen pounds seven shillings and tenpence	116 7 10
Roadtown	0 0 0	0 0 0	0 0 0	39 9 1	Thirty-nine pounds nine shillings and one penny	39 9 1
Greenfield	0 0 0	13 1 0	0 0 0	85 8 10	Ninety-eight pounds nine shillings and tenpence	98 9 10
	£0 0*s.* 0*d.*	£466 8*s.* 0*d.*	£0 0*s.* 0*d.*	£5,718 17*s.* 8*d.*	Six thousand one hundred and eighty-five pounds five shillings and eightpence	£6,185 5*s.* 8*d.*

IN THE COUNTY OF WORCESTER.

Worcester . .	£0	0s.	0d.	£25	2s.	0d.	£0	0s.	0d.	£505	5s.	11d.
Lancaster . .	0	0	0	48	14	0	0	0	0	568	14	6
Mendon . . .	0	0	0	22	16	0	102	0	0	545	0	9
Woodstock . .	0	0	0	0	0	0	0	0	0	612	19	9
Brookfield . .	0	0	0	44	16	0	0	0	0	447	9	8
Oxford . . .	0	0	0	14	12	0	0	0	0	225	10	10
Charlton . . .	0	0	0	4	12	0	0	0	0	122	5	5
Sutton . . .	0	0	0	56	4	0	0	0	0	435	16	11
Rutland . . .	0	0	0	32	14	0	0	0	0	313	12	0
New Braintree .	0	0	0	0	0	0	0	0	0	26	6	7
District of Rutland,	0	0	0	7	6	0	0	0	0	44	15	3
Leicester . . .	0	0	0	39	14	8	26	13	4	263	16	4
District of Spencer .	0	0	0	19	17	4	0	0	0	131	18	3
Southborough .	20	0	0	0	0	0	0	0	0	244	9	4
Westborough . .	0	0	0	0	0	0	0	0	0	341	12	11
Shrewsbury . .	0	0	0	50	0	0	0	0	0	398	2	7
Lunenburg . .	0	0	0	43	0	0	0	0	0	333	14	9
Uxbridge . .	15	0	0	17	16	0	146	13	4	302	2	11
Harvard . . .	15	0	0	0	0	0	0	0	0	274	1	11
Dudley . . .	10	0	0	32	14	0	0	0	0	180	2	2
Bolton . . .	0	0	0	0	0	0	13	6	8	273	6	1

Five hundred and thirty pounds seven shillings and elevenpence	£530	7s.	11d.
Six hundred and seventeen pounds eight shillings and sixpence	617	8	6
Six hundred and sixty-nine pounds sixteen shillings and ninepence	669	16	9
Six hundred and twelve pounds nineteen shillings and ninepence	612	19	9
Four hundred and ninety-two pounds five shillings and eightpence	492	5	8
Two hundred and forty pounds two shillings and tenpence	240	2	10
One hundred and twenty-six pounds seventeen shillings and fivepence	126	17	5
Four hundred and ninety-two pounds and elevenpence	492	0	11
Three hundred and forty-six pounds six shillings	346	6	0
Twenty-six pounds six shillings and sevenpence	26	6	7
Fifty-two pounds one shilling and threepence	52	1	3
Three hundred and thirty pounds four shillings and fourpence	330	4	4
One hundred and fifty-one pounds fifteen shillings and sevenpence	151	15	7
Two hundred and sixty-four pounds nine shillings and fourpence	264	9	4
Three hundred and forty-one pounds twelve shillings and elevenpence	341	12	11
Four hundred and forty-eight pounds two shillings and sevenpence	448	2	7
Three hundred and seventy-six pounds fourteen shillings and ninepence	376	14	9
Four hundred and eighty-one pound twelve shillings and threepence	481	12	3
Two hundred and eighty-nine pounds one shilling and elevenpence	289	1	11
Two hundred and twenty-two pounds sixteen shillings and twopence	222	16	2
Two hundred and eighty-six pounds twelve shilling ninepence	286	12	9

IN THE COUNTY OF WORCESTER—*Continued.*

	FINES FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Upton	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£150 17*s.* 7*d.*	One hundred and fifty pounds seventeen shillings and sevenpence	£150 17*s.* 7*d.*
Sturbridge	0 0 0	51 8 0	0 0 0	118 2 1	One hundred and sixty-nine pounds ten shillings and one penny	169 10 1
Leominster	0 0 0	0 0 0	0 0 0	142 3 8	One hundred and forty-two pounds three shillings and eightpence	142 3 8
Hardwick	0 0 0	52 8 0	0 0 0	175 7 4	Two hundred and twenty-seven pounds fifteen shillings and fourpence	227 15 4
Holden	0 0 0	0 0 0	0 0 0	90 1 3	Ninety pounds one shilling and threepence	90 1 3
Western	0 0 0	0 0 0	0 0 0	137 8 11	One hundred and thirty-seven pounds eight shillings and elevenpence	137 8 11
Douglass	0 0 0	0 0 0	0 0 0	39 9 11	Thirty-nine pounds nine shillings and elevenpence	39 9 11
Grafton	15 0 0	0 0 0	0 0 0	230 13 0	Two hundred and forty-five pounds thirteen shillings	245 13 0
Petersham	0 0 0	0 0 0	0 0 0	102 13 9	One hundred and two pounds thirteen shillings and ninepence	102 13 9
Narraganset No. Two	0 0 0	0 0 0	0 0 0	58 10 2	Fifty-eight pounds ten shillings twopence	58 10 2
	£75 0*s.* 0*d.*	£563 14*s.* 0*d.*	£288 13*s.* 4*d.*	£7,836 12*s.* 6*d.*	Eight thousand seven hundred and sixty-three pounds nineteen shillings and ten p.	£8,763 19*s.* 10*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth	£0 0*s.* 0*d.*	£41 0*s.* 0*d.*	£0 0*s.* 0*d.*	£758 6*s.* 2*d.*	Seven hundred and ninety-nine pounds six shillings and twopence	£799 6*s.* 2*d.*
Scituate	0 0 0	56 8 0	0 0 0	1,042 13 8	One thousand and ninety-nine pounds one shilling and eightpence	1,099 1 8
Duxbury	0 0 0	23 4 0	0 0 0	343 12 3	Three hundred and sixty-six pounds sixteen shillings and threepence	366 16 3
Marshfield	0 0 0	42 14 0	12 0 0	708 11 1	Seven hundred and sixty-three pounds five shillings and one penny	763 5 1

Bridgewater . .	0	0	0	44	16	0	0	0	0	1,205	8	3	One thousand two hundred and fifty pounds four shillings and threepence	1,250	4	3
Middleborough .	0	0	0	55	8	0	13	6	8	865	6	10	Nine hundred and thirty-four pounds one shillings, and sixpence	934	1	6
Rochester . .	0	0	0	52	4	0	143	6	8	521	14	11	Seven hundred and seventeen pounds five shillings and sevenpence	717	5	7
Plympton . .	0	0	0	46	2	0	0	0	0	441	11	0	Four hundred and eighty-seven pounds thirteen shillings,	487	13	0
Pembrook . .	0	0	0	43	4	0	37	1	4	446	0	4	Five hundred and twenty-six pounds five shillings and eightpence	526	5	8
Kingston . . .	0	0	0	32	10	0	0	0	0	255	2	9	Two hundred and eighty-seven pounds twelve shillings and ninepence	287	12	9
Hanover . . .	0	0	0	0	0	0	90	8	0	306	9	11	Three hundred and ninety-six pounds seventeen shillings and elevenpence	396	17	11
Abbington . .	0	0	0	18	6	0	0	0	0	355	9	4	Three hundred and seventy-three pounds fifteen shillings and fourpence	373	15	4
Halifax . . .	0	0	0	0	0	0	0	0	0	195	0	0	One hundred ninety-five pounds	195	0	0
Warham . . .	0	0	0	0	0	0	55	18	8	218	0	5	Two hundred and seventy-three pounds nineteen shillings and one penny	273	19	1
	£0	0*s.*	0*d.*	£455	16*s.*	0*d.*	£352	1*s.*	4*d.*	£7,663	6*s.*	11*d.*	Eight thousand four hundred and seventy-one pounds four shillings and three p.	£8,471	4*s.*	3*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable . .	£0	0*s.*	0*d.*	£53	0*s.*	0*d.*	£23	6*s.*	8*d.*	£663	10*s.*	4*d.*	Seven hundred and thirty-nine pounds seventeen shillings	£739	17*s.*	0*d.*
Yarmouth . .	0	0	0	53	12	0	70	13	4	434	8	10	Five hundred and fifty-eight pounds fourteen shillings and twopence	558	14	2
Sandwich . .	0	0	0	56	16	0	185	8	8	473	18	8	Seven hundred and sixteen pounds three shillings and fourpence	716	3	4
Eastham . . .	0	0	0	55	16	0	0	0	0	540	5	0	Five hundred and ninety-six pounds one shilling . .	596	1	0
Harwich . . .	0	0	0	44	12	0	26	13	4	419	8	10	Four hundred and ninety pounds fourteen shillings and twopence	490	14	2
Chatham . . .	10	0	0	0	0	0	0	0	0	238	3	1	Two hundred and forty-eight pounds three shillings and one penny	248	3	1
Truro . . .	0	0	0	0	0	0	0	0	0	255	10	10	Two hundred and fifty-five pounds ten shillings and tenpence	255	10	10
Falmouth . .	0	0	0	27	8	0	121	11	8	293	16	11	Four hundred and forty-two pounds sixteen shillings and sevenpence	442	16	7
	£10	0*s.*	0*d.*	£291	4*s.*	0*d.*	£427	13*s.*	8*d.*	£3,319	2*s.*	6*d.*	Four thousand and forty-eight pounds and twopence .	£4,048	0*s.*	2*d.*

IN THE COUNTY OF BRISTOL.

	FINES FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Taunton	£0 0s. 0d.	£50 0s. 0d.	£18 6s. 8d.	£915 2s. 4d.	Nine hundred and eighty-three pounds nine shillings	£983 9s. 0d.
Rehoboth	0 0 0	54 8 0	0 0 0	1,311 13 4	One thousand three hundred sixty-six pounds one shilling and fourpence	1,366 1 4
Swanzey with Shewamet	0 0 0	47 16 0	162 0 0	582 2 9	Seven hundred and ninety-one pounds eighteen shillings and ninepence	791 18 9
Dartmouth	0 0 0	60 16 0	1,173 6 8	1,706 4 3	Two thousand nine hundred and forty pounds six shillings and elevenpence	2,940 6 11
Norton	0 0 0	50 4 0	0 0 0	572 5 9	Six hundred and twenty-two pounds nine shillings and ninepence	622 9 9
Attleborough	0 0 0	46 4 0	0 0 0	624 16 8	Six hundred and seventy-one pounds and eightpence	671 0 8
Dighton	0 0 0	36 0 0	0 0 0	403 12 9	Four hundred and thirty-nine pounds twelve shillings and ninepence	439 12 9
Freetown	20 0 0	0 0 0	36 0 0	372 16 8	Four hundred and twenty-eight pounds sixteen shillings and eightpence	428 16 8
Raynham	0 0 0	0 0 0	0 0 0	240 18 7	Two hundred and forty pounds eighteen shillings and sevenpence	240 18 7
Easton	10 0 0	0 0 0	0 0 0	276 17 1	Two hundred and eighty-six pounds seventeen shillings and one penny	286 17 1
Berkley	10 0 0	0 0 0	0 0 0	215 15 3	Two hundred and twenty-five pounds fifteen shillings and threepence	225 15 3
	£40 0s. 0d.	£345 8s. 0d.	£1,389 13s. 4d.	£7,222 5s. 5d.	Eight thousand nine hundred and ninety-seven pounds six shillings and ninepence	£8,997 6s. 9d.

IN THE COUNTY OF YORK.

York	£0 0s. 0d.	£62 12s. 0d.	£0 0s. 0d.	£928 2s. 10d.	Nine hundred and ninety pounds fourteen shillings and tenpence	£990 14s. 10d.
Kittery	0 0 0	48 4 0	0 0 0	1,090 1 7	One thousand one hundred and thirty-eight pounds five shillings and seven p.	1,138 5 7

Wells . . .	0	0	0	49	16	0	0	0	0	417	1	6	Four hundred and sixty-six pounds seventeen shillings and sixpence	466	17	6
Berwick . . .	0	0	0	54	4	0	10	13	4	568	14	6	Six hundred thirty-three pounds eleven shillings and tenpence	633	11	10
Falmouth . .	0	0	0	67	4	0	0	0	0	900	9	10	Nine hundred and sixty-seven pounds thirteen shillings and tenpence	967	13	10
Biddeford . .	0	0	0	30	0	0	0	0	0	382	6	3	Four hundred and twelve pounds six shillings and threepence	412	6	3
Arundell . . .	10	0	0	0	0	0	0	0	0	212	9	9	Two hundred and twenty-two pounds nine shillings and ninepence	222	9	9
Scarborough . .	20	0	0	25	4	0	0	0	0	325	16	11	Three hundred and seventy-one pounds and elevenpence	371	0	11
North Yarmouth .	0	0	0	15	8	0	0	0	0	106	13	9	One hundred and twenty-two pounds one shilling and ninepence	122	1	9
Georgetown . .	0	0	0	0	0	0	0	0	0	150	9	7	One hundred and fifty pounds nine shillings and sevenpence	150	9	7
Brunswick . .	0	0	0	0	0	0	0	0	0	112	1	6	One hundred and twelve pounds one shilling and sixpence	112	1	6
Sheepscut . .	0	0	0	0	0	0	0	0	0	94	15	10	Ninety-four pounds fifteen shillings and tenpence . .	94	15	10
District of Harpswell . . .	0	0	0	0	0	0	0	0	0	58	10	2	Fifty-eight pounds ten shillings and twopence . . .	58	10	2
	£30	0*s.*	0*d.*	£352	12*s.*	0*d.*	£10	13*s.*	4*d.*	£5,347	14*s.*	0*d.*	Five thousand seven hundred and forty pounds nineteen shillings and fourpence	£5,740	19*s.*	4*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown . .	£0	0*s.*	0*d.*	£34	4*s.*	0*d.*	£0	0*s.*	0*d.*	£329	0*s.*	0*d.*	Three hundred and sixty-three pounds four shillings .	£363	4*s.*	0*d.*
Chilmark . .	0	0	0	14	12	0	0	0	0	366	10	4	Three hundred and eighty-one pounds two shillings and fourpence	381	2	4
Tisbury . . .	0	0	0	0	0	0	0	0	0	210	2	3	Two hundred and ten pounds two shillings and threepence	210	2	3
	£0	0*s.*	0*d.*	£48	16*s.*	0*d.*	£0	0*s.*	0*d.*	£905	12*s.*	7*d.*	Nine hundred and fifty-four pounds eight shillings and sevenpence	£954	8*s.*	7*d.*

IN NANTUCKET COUNTY.

	FINES FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Sherburne . .	£0 0*s.* 0*d.*	£42 4*s.* 0*d.*	£662 4*s.* 6*d.*	£1,381 11*s.* 2*d.*	Two thousand and eighty-five pounds nineteen shillings and eightpence	£2,085 19*s.* 8*d.*
Suffolk . . .	£20 0*s.* 0*d.*	£756 18*s.* 0*d.*	£0 0*s.* 0*d.*	£24,714 17*s.* 7*d.*	Twenty-five thousand four hundr. and ninety-one pounds fifteen shillings and 7 pence	£25,491 15*s.* 7*d.*
Essex . . .	35 0 0	870 7 0	584 6 4	17,797 15 5	Nineteen thousand two hundr. and eighty-seven pounds eight shillings and 9 pence	19,287 8 9
Middlesex . .	90 0 0	941 4 0	0 0 0	12,872 7 5	Thirteen thousand nine hundr. and three pounds eleven shillings and fivepence	13,903 11 5
Hampshire . .	0 0 0	466 8 0	0 0 0	5,718 17 8	Six thousand one hundred and eighty-five pounds five shillings and eightpence	6,185 5 8
Worcester . .	75 0 0	563 14 0	288 13 4	7,836 12 6	Eight thousand seven hundr. and sixty-three pounds nineteen shillings and tenpence	8,763 19 10
Plymouth . .	0 0 0	455 16 0	352 1 4	7,663 6 11	Eight thousand four hundred and seventy-one pounds four shillings and threepence	8,471 4 3
Barnstable . .	10 0 0	291 4 0	427 13 8	3,319 2 6	Four thousand and forty-eight pounds and twopence .	4,048 0 2
Bristol . . .	40 0 0	345 8 0	1,389 13 4	7,222 5 5	Eight thousand nine hundr. and ninety-seven pounds six shillings and ninepence	8,997 6 9
York . . .	30 0 0	352 12 0	10 13 4	5,347 14 0	Five thousand seven hundred and forty pounds nineteen shillings and fourpence	5,740 19 4
Dukes-County .	0 0 0	48 16 0	0 0 0	905 12 7	Nine hundred and fifty-four pounds eight shillings and sevenpence	954 8 7
Nantucket . .	0 0 0	42 4 0	662 4 6	1,381 11 2	Two thousand and eighty-five pounds nineteen shillings and eightpence	2,085 19 8
	£300 0*s.* 0*d.*	£5,134 11*s.* 0*d.*	£3,715 5*s.* 10*d.*	£94,780 3*s.* 2*d.*	One hundred and three thousand nine hundred and thirty pounds	£103,930 0*s.* 0*d.*

And be it further enacted,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district or parish or other place within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district or parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, fifteen shillings and eightpence per poll, (excepting the governor, lieutenant-governor, and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls, or abate part of what they are set at, as in their prudence they shall think fit and judge meet. Rules for assessment.

[Sect. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to their province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profit in their improvement, according to their understanding or cunning, at one shilling per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for such town, district, parish or other place to pay; and, in making their assessment, to estimate houses and lands at six years' yearly rent whereat the same may be reasonably set or let for in the place where they lye: *saving* all contracts between landlord and tenant, and where no contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate negro, Indian and mulatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; every horse and mare of [*] years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; goats and sheep of one year old, at three shillings each: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty, and if as guardians, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collectors, constable or constables of any

* Printed act torn: [three, in the MS. record.]

such town, district, parish or other place, and to return a certificate of the name or names of such collector, constable or constables, with the sum-total to each of them committed, unto himself, some time before the last day of October next.

[SECT. 4.] And the treasurer for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector, or constable or constables of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirty-first day of March, which will be in the year of our Lord one thousand seven hundred and sixty.

And be it further enacted,

Inhabitants to bring in a true list of their polls, &c.

[SECT. 5.] That the assessors of each town, district, parish or place, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town-meeting, or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way to give or bring in to the assessors true and perfect lists of their polls, rateable estate, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreable to the rules herein given, under the penalty of twenty * shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid in to the town, district or parish treasurer or selectmen, for the use aforesaid: *saving* to the party aggr[ei][*ie*]ved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for rel[ei][*ie*]f as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he doth or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the

* From this point this chapter has been supplied from the MS. record of acts in the office of the Secretary of the Commonwealth; the engrossment being lost, and the only known printed copy of the act being imperfect. The Roman letters enclosed in brackets are from the record, and the italics from the printed act.—EDS.

support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it further enacted,

[Sect. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, and trade, to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, thô the former rate may have been finished, and a new one not perfected, as aforesaid.

And be it further enacted,

[Sect. 8.] That when any merchant, trader or factor, shall set up a store, and traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and are hereby impowered to rate and assess all such merchants, traders and factors, their goods and merchandizes, for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[Sect. 9.] And the constables or collectors are hereby enjoyned to levy and collect the* sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same. [*Passed June* 15.

CHAPTER 3.

AN ACT FOR ERECTING THE PLANTATION CALLED NEW MARLBOROUGH, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT BY THE NAME OF NEW MARLBOROUGH.

Whereas it has been represented to this court that the inhabitants of the plantation of New Marlborough, in the county of Hampshire, labour under great difficulties by reason of their not being incorporated into a district; and praying they may be so erected,— Preamble.

Be it enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That the said plantation be and hereby is erected into a seperate and distinct district by the name of New Marlborough: bounded as follows: beginning at a stake and stones, the south-west corner (which is the south-east corner of Sheffield); then running north, one degree and twenty minutes east, to a large heap of stones, the north-west corner; then east, two degrees north, to a stake and stones near Twelve-mile Pond, the north-east corner; then south, two degrees west, to a stake and heap of stones in the colony line; then, on the colony line, till it comes to the first-mentioned bounds: and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities that the inhabitants of towns within this province are or by law ought to be vested with, saving only the choice of a representative. New Marlborough erected into a district, &c.

And be it further enacted,

[Sect. 2.] That all monies agreed to be raised by the inhabitants Assessments

* "All such," in the printed act.

before the 11th of November, 1757, declared valid.

and proprietors of said plantation of New Marlborough, before the eleventh day of November, one thousand seven hundred and fifty-seven, be collected and paid according to their several votes and agreements; and their assessments are hereby declared valid in law to all intents and purposes: and what monies are necessary for the payment of their minister's salary and defreying the other charges of said plantation since said eleventh day of November, be assessed on the polls and estates of the inhabitants of said plantation, agreeable to law.

Moneys, how to be assessed.

And be it further enacted,

District meeting to be assembled, &c.

[SECT. 3.] That John Ashley, Esq., be and hereby is directed and impowered to issue his warrant, directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district, qualified to vote in town affairs, to assemble at some suitable time and place in said district, to chuse such officers as are necessary to manage the affairs of said district.

Provided nevertheless,—

Proviso.

[SECT. 4.] The inhabitants of said district shall pay their proportionable part of all such county and province charges as are already assessed, in like manner as tho' this act had not been made. [*Passed June* 15.

CHAPTER 4.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT FOR ERECTING THE TOWNSHIP OF NEW SALEM, SO CALLED, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT."

Preamble. 1753-54, chap. 2.

WHEREAS, in the act for erecting the township of New Salem, so called, in the county of Hampshire, into a district, it is, among other things, enacted that the inhabitants of said district shall have full power and right, from time to time, until the further order of this court, to join with the town of Sunderland in the choice of a representative; which, by reason of their great distance from the usual place of meeting in Sunderland, and the badness of the roads, as well as in many other respects, is found by experience to be very inconvenient; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

New Salem no longer considered as part of Sunderland in the choice of a representative.

That from henceforth, the inhabitants of the district of New Salem be no longer considered as joined with the town of Sunderland for the choice of a representative, nor be obliged to pay any part of the expence thereof; any thing in said act to the contrary notwithstanding. [*Passed June* 15.

ACTS

Passed at the Session begun and held at Boston, on the Third day of October, A.D. 1759.

CHAPTER 5.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED NARRAGANSETT NUMBER TWO, IN THE COUNTY OF WORCESTER, INTO A DISTRICT BY THE NAME OF WESTMINSTER.

Preamble.

Whereas the inhabitants of a township formerly granted by the great and general court, commonly called Narragansett Number Two, have addressed this court, setting forth the many difficulties they now labour under, which would be effectually remedied if they were constituted a district,—

Be it therefore enacted by the Governour, Council and House of Representatives,

Narragansett Number Two a district.

[Sect. 1.] That the lands formerly granted by the great and general court of this province, to the descendants of those who were in the Narragansett fight with the Indians of that countr[e]y, now called the proprietors of Narragansett township, Number Two, lying in the county of Worcester, be and hereby are erected into a distinct and separate district by the name of Westminster; the bounds of said district to be according to their original grant, and as the said lands were laid out, and the plan thereof accepted, by the great and general court in the year of our Lord one thousand seven hundred and twenty-eight; and that the inhabitants of the said district be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of towns within this province do or by law ought to enjoy, that of sending a representative to the general assembly only excepted.

Privileges, &c., granted said district.

And be it further enacted,

William Richardson, Esq., to issue his warrant for assembling the inhabitants.

[Sect. 2.] That William Richardson, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant of said district, requiring him to notify and warn the inhabitants thereof, qualified by law to vote in town affairs, to meet, at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said district.

Preamble. 1757-58, chap. 2.

And whereas the great and general court of this province, at their sessions in May, one thousand seven hundred and fifty-seven, laid a tax of fifty pounds on the inhabitants of said Narragansett Number Two, and at their sessions in May, one thousand seven hundred and fifty-eight, one other tax of fifty pounds, and at their sessions in May last, one other tax of fifty-eight pounds ten shillings and twopence, towards defreying the publick charges of this province, which sums have not yet been assessed or paid into the province treasury,—

1758-59, chap. 1. 1759-60, chap. 2.

Be it therefore further enacted,

Rates, how to be assessed.

[Sect. 3.] That the assessors that may be chosen at the meeting of said inhabitants to be called as aforesaid, be and they hereby are

impowered and directed to assess the aforesaid sums upon the inhabitants of said district, according to the rules of assessment in the respective tax acts mentioned, and commit said assessment to the collector or collectors that may then also be chosen, and return a certificate of the name or names of such collector or collectors, with the sum total to each of them committed, unto the treasurer of this province, on or before the first day of December next; and the treasurer for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue his warrants to such collector or collectors, requiring them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accounts of the whole, at or before the thirty-first day of March, one thousand seven hundred and sixty. [*Passed October* 20.

CHAPTER 6.

AN ACT FOR ERECTING THE EAST WING OF RUTLAND, SO CALLED, IN THE COUNTY OF WORCESTER,—AND SUNDRY FARMS CONTIGUOUS THERETO, LYING BETWEEN LANCASTER AND NARRAGANSET[*T*], NUMBER TWO,—INTO A SEP[E][*A*]RATE DISTRICT BY THE NAME OF PRINCETOWN.

Preamble.

WHEREAS a number of the inhabitants and proprietors of the east wing of Rutland, in the county of Worcester, and the proprietors and inhabitants of sundry farms, contiguous thereto, lying between Lancaster and Narragansett [No. 2,] [*Number Two*], have represented to this court many difficulties they labour under, and praying that they may be made a sep[e][*a*]rate district; therefore,—

Be it enacted by the Governo[*u*]*r, Council and House of Representatives,*

Rutland east wing, &c., erected into a district, &c.

[SECT. 1.] That the said east wing of Rutland, so called, and sundry farms lying contiguous thereto, contained within the bounds hereafter mentioned, be and hereby is erected into a distinct and sep[e][*a*]rate district, by the name of Princetown; viz[t]., beginning at the north-west corner of Lancaster, second precinct,—being also the south-west corner of Leominster,—from thence run[*n*]ing north, [54] [*fifty-four*] degrees west, seven hundred and sixty rods, to a heap of

Bounds thereof.

stones upon the line of Narraganset[*t*] [No. 2,] [*Number Two*]; from thence running west, thirty-five degrees south, seven hundred and eighty-eight rod[*s*], to the south-west corner of said Narraganset[*t*] Number Two; then turning and running south-east, fifty-six rod, to the north-east corner of said Rutland east wing; then turning and run[*n*]ing west, thirty degrees south, eleven hundred and sixty rods, on the north-west line of said wing, to the westerly corner of said wing; then run[*n*]ing south, thirty-nine degrees east, sixteen hundred and seventy rod—being the dividing line of the first settlers' part of Rutland, and the said wing—to the southerly corner of said east wing; then turning and run[*n*]ing east, thirty-five degrees north, eleven hundred and fifty rods, on Hold[i][*e*]n line, to the corner of said east wing, Hold[i][*e*]n and Shrewsbury; and from thence, run[*n*]ing, on the same point, three hundred and ninety rod on Shrewsbury line, to the river; and from thence, bounding on Lancaster, second precinct, to the first mentioned bounds: and that the said district be and hereby

Privileges granted said district.

is invested with all the priviledges, powers and immunities, that towns in this province by law do or may enjoy, that of sending a representative to the general assembly only excepted.

Provided, nevertheless,—
And be it further enacted,

[Sect. 2.] That the said district shall pay their proportion of all town, county and province taxes already set[t], or granted to be raised, on the town of Rutland and Lancaster, as if this act had not been made. Proviso.

And be it further enacted,

[Sect. 3.] That William Richardson, Esq., be and hereby is impowered to issue his warrant to some principal inhabitant of said district, requiring him to notify and warn the inhabitants of said district, qualified by law to vote in town affairs, to meet, at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said district. [*Passed October* 20. William Richardson, Esq., empowered to issue his warrant for assembling the inhabitants.

CHAPTER 7.

AN ACT FOR INCORPORATING THE INHABITANTS OF A TRACT OF LAND CALLED NEGUASSET, IN THE COUNTY OF YORK, INTO A DISTRICT BY THE NAME OF WOOLWICH.

Whereas the inhabitants of a tract of land called Neguasset, in the county of York, have represented to this court the great difficulties and inconvenienc[*i*]es they labour under in their present situation, and have earnestly requested that they may be incorporated into a district,— Preamble.

Be it therefore enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That the whole of that tract of land in the county of York, called Neguasset, bounded as follows; viz[t], beginning at Towessick Gut, at the head of Arowsick Island, or Georgetown, so called, and running northerly on Sagadahock, or Kennebeck, River, to a certain pine-tree marked, which is the first marked tree in the boundary line between the proprietors of said land and the Plymouth Company; from thence, easterly on said line, to Mountsweeg River, as the line is now established; and from thence, southerly, down said river and Mountsweeg Bay, including an island called Oak Island; and from thence, again southerly, round a point of land call[e]['']d Phipps's Point; and from thence, westerly, to a point called Hawkomoka Point; and from thence, northerly, running through Hellsgate, so called, into Towessick, or Neguassett, Bay, to the bounds first mentioned; be and hereby is incorporated into a district by the name of Woolwich: and that the inhabitants thereof do the duties that are required, and be invested with all the powers, priviledges and immunities which the inhabitants of any town within this province do or by law ought to enjoy, excepting only the priviledge of chusing a representative to represent them in the general assembly; and that the inhabitants of said district shall have full power and right, from time to time, to join with the town of Georgetown, in the choice of a representative or representatives, in which choice they shall enjoy all the priviledges which the inhabitants of the several towns within this province are intitled to. Neguassett lands erected into a district. Bounds thereof. Privileges, &c., granted said district.

Provided, nevertheless,—
And be it further enacted,

[Sect. 2.] That the said district shall pay their proportion of all town, county and province taxes already set on, or granted to be raised by, said town of Georgetown, as if this act had not been made. Proviso

And be it further enacted,

Samuel Denny, Esq., empowered to issue his warrant for assembling the inhabitants.

[SECT. 3.] That Samuel Denny, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said district, requiring him to notify and warn the inhabitants of said district, qualified by law to vote in town affairs, to meet, at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said district. [*Passed October* 20.

CHAPTER 8.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF ONE HUNDRED AND FORTY-FOUR THOUSAND AND FIVE HUNDRED POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLICK DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Preamble.

WHEREAS the provision already made for defreying the expences of the Canada expedition is found insufficient, and no provision made by the general court for discharging the debts of the ensuing year,—

Be it enacted by the Governour, Council and House of Representatives,

Treasurer empowered to borrow £144,500.

[SECT. 1.] That the treasurer of the province be and he hereby is impowered and directed to borrow, from such person or persons as shall be willing to lend the same, a sum not exceeding one hundred and forty-four thousand and five hundred pounds, in mill'd dollars at six shillings each, or in other coin'd silver at six shillings and eightpence per ounce; and the sum so borrowed shall be applied in manner as in this act is hereafter directed: and for the sum of sixty thousand pounds, being part of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, the treasurer shall give his receipt or obligation in the form following:—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of
Received of the sum of , for the use and service of the province of the Massachusetts Bay, and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer to repay the said or order, the twentieth day of June, one thousand seven hundred and sixty-one, the aforesaid sum of , in coined silver at six shillings and eightpence per ounce, or Spanish mill'd dollars at six shillings each, with interest annually, at the rate of six per cent per annum.

Witness my hand, H. G. Treasurer.

£84,500 payable June 20, 1763.

[SECT. 2.] And for the further sum of eighty-four thousand and five hundred pounds, being the remainder of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, the treasurer shall give his notes, in the form aforesaid, payable the twentieth day of June, one thousand seven hundred and sixty-three; and no receipt shall be given for less than six pounds.

And be it further enacted,

[SECT. 3.] That the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, when received into the treasury, shall be issued out in the manner and for the purposes following; that is to say, one hundred and twelve thousand pounds, part of the sum of one hundred and forty-four thousand and five hundred pounds, shall be applied for the payment of the expences in the present expedition against Canada; and the further sum of two thousand pounds, part of the aforesaid sum of one hundred and forty-four thousand and five

£112,000 for Canada expedition.

£2,000 for Canada expedition in 1758.

hundred pounds, shall be applied for the payment of the services of the expedition against Canada in the year of our Lord, one thousand seven hundred and fifty-eight, still unpaid; and the further sum of thirteen thousand pounds, part of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, shall be applied for the service of the several forts and garrisons within this province, pursuant to such grants and orders as are or shall be made by this court for these purposes; and the further sum of four thousand pounds, part of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, shall be applied for purchasing provisions, and the commissary's disbursements for the service of the several forts and garrisons within this province; and the further sum of four thousand pounds, part of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, shall be applied for the payment of such premiums and grants that now are or may hereafter be made by this court; and the further sum of two thousand pounds, part of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, shall be applied for the discharge of other debts owing from this province to persons that have served or shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose, and for paper, writing and printing for this court; and the further sum of two thousand pounds, part of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, shall be applied for the payment of his majesty's council and house of representatives serving in the great and general court during the several sessions for the present year; and the further sum of four thousand and five hundred pounds, part of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, shall be applied to the payment of the charge of maintaining armed vessels of war belonging to this province; and the further sum of one thousand pounds, the remaining part of the aforesaid sum of one hundred and forty-four thousand and five hundred pounds, shall be applied for the payment of the troops that marched for the relief of Fort William Henry, when attacked by the enemy in August, one thousand seven hundred and fifty-seven.

£13,000 for forts and garrisons.

£4,000 for provisions, commissary's disbursements, &c.

£4,000 for premiums, &c.

£2,000 for debts where there is no establishment, &c.

£2,000 for pay of councillors' and representatives' attendance.

£4,500 for armed vessels.

£1,000 for paying such who went to the relief of Fort William Henry.

And in order to draw the money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act,—

Be it enacted,

[Sect. 4.] That there be and hereby is granted to his most excellent majesty a tax of one hundred and forty-four thousand and five hundred pounds, to be levied on polls, and estates both real and personal within this province, in manner following; that is to say, sixty-four thousand pounds, part thereof, according to such rules and in such proportions on the several towns and districts within the province as shall be agreed on and ordered by the general court or assembly in their May session, in the year of our Lord one thousand seven hundred and sixty, and to be paid into the publick treasury on or before the last day of March then next after; and the further sum of one hundred thousand pounds, according to such rules and in such proportion on the several towns and districts aforesaid as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and sixty-two, and to be paid into the treasury on or before the last day of March next after.

Tax granted of £144,500.

And be it further enacted,

[Sect. 5.] That if the general court, in their May session, in the year seventeen hundred and sixty, and in their session in May, one

Rule for apportioning the tax in case no tax

act shall be agreed on.

thousand seven hundred and sixty-two, and some time before the last day of June in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, apportioned, assessed and levied, that then, and in such case, each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sums as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[SECT. 6.] And the province treasurer is hereby fully impowered and directed, some time in the month of July in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by and subject to all such rules and directions as shall have been given in the last preceeding tax act.

And be it further enacted,

The treasurer to conform to the appropriations.

[SECT. 7.] That the treasurer is hereby directed and ordered to pay the sum of one hundred and forty-four thousand and five hundred pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts, after payment thereof.

Provided, always,—

Proviso.

[SECT. 8.] That the remainder of the sum which shall be brought into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed October* 20.

CHAPTER 9.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF FORTY-ONE THOUSAND FIVE HUNDRED AND FORTY POUNDS.

Preamble. 1758-59, chap. 28, § 3. 1758-59, chap. 32, § 5.

WHEREAS this court did, in their session in March, one thousand seven hundred and fifty-nine, grant a tax of thirty-two thousand pounds, and at their session in April following did grant a further tax of nine thousand five hundred and forty pounds, amounting in the whole to forty-one thousand five hundred and forty pounds, to be levied on polls and estates within this province, and by said acts provision was made that the general court, by the first of October following, might apportion the same on the several towns, districts, parishes, and other places; *but inasmuch* as a number of persons appear willing to lend the government the aforesaid sum of forty-one thousand five hundred and forty pounds, to be repaid them at a distant period, in order to prevent an additional tax going out this year,—

Be it enacted by the Governo[u]*r, Council and House of Representatives*,

Treasurer empowered to borrow £41,540.

[SECT. 1.] That the treasurer of this province be and hereby is directed and impowered to borrow from such person or persons as shall

be willing to lend the same, a sum not exceeding the sum of forty-one thousand five hundred and forty pounds, in Spanish mill'd dollars at six shillings each, or in coined silver, sterling alloy, at six shillings and eightpence per ounce, or in government securities payable in June, one thousand seven hundred and sixty; and the sum so borrowed shall be applied by the treasurer for the discharge of those bounty-notes that were given to the soldiers to encourage them to inlist in the expedition this year; which notes will become due in June, one thousand seven hundred and sixty: and for the sum so borrowed, the treasurer shall give a receipt and obligation in the form following:—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of , 1759. Received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or order, the tenth day of June, one thousand seven hundred [and] sixty-two, the aforesaid sum of , in coined silver at six shillings and eightpence per ounce, or Spanish mill'd dollars at six shillings each, with interest annually, at the rate of six per cent.

Witness my hand.

And as a fund and security to enable the treasurer to discharge the obligations by him given in pursuance of this act,—

Be it enacted,

Tax of £45,000 1761.

[Sect. 2.] That there be and hereby is granted to his most excellent majesty a tax of forty-five thousand pounds, to be levied on polls, and estates both real and personal, according to such rules and in such proportion on the several towns and districts within the province as shall be ordered by the general court at their session in May, one thousand seven hundred and sixty-one.

And be it further enacted,

Rule for apportioning the tax in case no tax act shall be agreed on.

[Sect. 3.] That in case the general court shall not, at their session in May, one thousand seven hundred and sixty-one, and before the twentieth day of June following, agree and conclude upon an act apportioning the sum which by this act is engaged to be apportioned, assessed and levied, that then, and in such case, each town, district, parish, or other place shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sum as the said towns, districts, parishes or other places were taxed by the general court in the tax act then last preceeding.

Treasurer empowered and directed.

[Sect. 4.] And the province treasurer is hereby fully impowered and directed, in the month of June, one thousand seven hundred and sixty-one, to issue and send forth his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, requiring them to assess the polls, and estates both real and personal within their several towns, districts, parishes or other places, for their respective parts and proportion of the sum before directed and engaged to be assessed, to be paid into the publick treasury by the thirty-first day of March, one thousand seven hundred and sixty-two; and the assessors, as also persons assessed, shall observe, be governed by, and subject to all such rules and directions as shall have been given in the then last preceeding tax act: and the assessors shall incur the same penalty for not apportioning the sum laid upon their respective towns, districts, parishes or other places, as though the same had been assessed upon them by an act of the general court.

And whereas this court, by their respective acts in March and April last, ordered and impowered the province treasurer—upon the general court's omitting to apportion a tax of forty-one thousand five hundred and forty pounds, in the month of October following, upon the several towns and districts within this province—to levy and apportion the same,—

Be it enacted,

Treasurer further directed.

[SECT. 5.] That he, the said treasurer, be and he hereby is directed not to issue and send forth his warrants of assessment for the sum aforesaid: *provided*, *nevertheless*, that if the treasurer shall not be able to borrow the whole of the sum aforesaid on or before the first day of November next, then, and in that case, he shall issue forth his warrants, directed to the selectmen or assessors in each of the towns and districts within this province, requiring them to assess the polls, and estates both real and personal within their several towns and districts, for their respective parts and proportion of whatever sum he shall not be able to borrow of the forty-one thousand five hundred and forty pounds aforesaid, to be paid into the publick treasury by the twenty-fifth day of March next; and the assessors, as also persons assessed, shall observe, be governed by and subject to all such rules and directions as shall have been given in the then last preceeding tax act; and whatever sum the treasurer shall so issue his warrants for, shall be deducted out of the forty-five thousand pounds directed to be assessed, by the foregoing part of this act, in the year one thousand seven hundred and sixty-one. [*Passed October* 17.

Proviso.

CHAPTER 10.

AN ACT FOR RAISING A SUM OF MONEY BY A LOTTERY OR LOTTERIES, FOR REPAIRING THE CAUSEWAY ON THE WESTERLY SIDE OF SUDBURY RIVER, AND FOR BUILDING A BRIDGE OVER SAID RIVER.

Preamble.

WHEREAS the causeway on the westerly side of Sudbury River, and the bridge leading over the same, are much out of repair, and oftentimes the freshet is so high that it is rendered very difficult and dangerous for travellers to pass and re-pass the same, notwithstanding the great cost and expence the town of Sudbury has been yearly at for repairing the same; *and whereas* the raising said causeway, digging a new canal of forty feet wide across said * canal to King's Pond, with three other sluices, and keeping the same in good repair, will require a considerable sum of money to effect it; for the raising whereof,—

Be it enacted by the Governor, Council and House of Representatives,

John Noyes, Josiah Brown, Joseph Curtis, William Baldwin, Augustus Moore, Reynolds Seager and Capt. Elijah Smith, of Sudbury, allowed and empowered to set up and carry on one or more lotteries.

[SECT. 1.] That Messieurs John Noyes, Josiah Brown, Joseph Curtis, William Baldwin, Augustus Moore, Reynolds Seager, and Capt. Elijah Smith, of Sudbury aforesaid, or any four of them, be and hereby are allowed and impowered to set up and carry on one or more lottery or lotteries, amounting in the whole to such a sum, as, by drawing or deducting ten per cent out of the same, or out of each prize or benefit-ticket, may raise eight hundred and twenty-seven pounds, and no more; and that the said sum of eight hundred and twenty-seven pounds, raised by the deduction aforesaid, be, by the persons above named, paid to the town treasurer of Sudbury aforesaid, within ten days after the sale of the tickets of said lottery shall be compleated; or, if the persons aforesaid shall think fit to raise said sum of eight hundred and twenty-seven pounds by more lotteries than one, then the money raised by each lottery, by the deduction aforesaid, shall, within ten days after the tickets of each lottery, respectively, are sold, be paid by them to the treasurer aforesaid; which sum of eight hundred and twenty-seven pounds, or whatever part thereof shall be so raised, shall

How the money raised thereby shall be disposed of.

* *Sic.*

be applied towards raising said causeway, digging a new canal to King's Pond, across said * canal, with three other sluices: *saving* so much of said sum as shall be sufficient to defrey the necessary charges of the lottery or lotteries aforesaid; and to no other use whatsoever, except in case of surplusage, as in this act hereafter mentioned.

And be it further enacted,

Any four of them may be managers or directors.

[Sect. 2.] That the persons aforesaid, or any four of them, be and they hereby are declared to be the managers or directors of each and every of the said lottery or lotteries, and are hereby impowered to make all necessary rules, and use all necessary methods, to manage and direct the same, till the whole shall be fully compleated and finished.

And be it further enacted,

Said managers to dispose of the tickets, make preparation for the drawing, and to give public notice of the same.

[Sect. 3.] That the said managers or directors, with all convenient speed, after the sale of the tickets of said lottery, or of each lottery, respectively, shall make preparation for the drawing the same, and shall give notice in the publick prints of the time and place of drawing, at least ten days before the said drawing begins, that any of the adventurers, if they think fit, may be present at the drawing; and after the said drawing commences, they, the said managers, may adjourn from day to day, till the whole number of tickets of each lottery, respectively, shall be drawn: *provided*, the drawing of any one of said lotteries continue not longer than fifteen days, exclusive of Lord's Days.

Managers directed in their proceedings.

[Sect. 4.] And the said managers or directors shall make, or cause to be made, a fair entry, in a book provided for that purpose, of all the tickets so drawn, and of the blanks and prizes drawn, answering to said tickets, and within ten days after the drawing of each lottery, respectively, shall be finished, they shall cause a list of the benefit-tickets, expressing the number and the amount of each of them, to be printed in the publick newspapers; at the same time, in the said newspapers, notifying the owners of such benefit-tickets of the time and place when and where they may apply for the payment of such tickets; and if any contention or dispute shall arise in adjusting the property of any of the said benefit-tickets, the major part of the managers shall determine to whom it doth or ought to belong.

And be it further enacted,

Benefit-tickets to be paid off by the managers within twenty days after drawing.

[Sect. 5.] That the said benefit-tickets shall be paid off by the managers aforesaid within twenty days after the drawing of each lottery, respectively, is finished, upon application of the owner or owners of such tickets, and delivering them up to be cancelled; and to secure the payment of such benefit-tickets to the owner or owners of them, the said managers or directors, and their estates, are hereby held and subjected to satisfy and make good the same, in like manner as they and their estates are subjected by law to satisfy and make good their own proper debts: *provided*, that if the money in said managers' hands shall be lost by fire, or any other extraordinary or unavoidable accident, the said managers, and their estates, shall not be so held and subjected.

And be it further enacted,

Owners of benefit-tickets not applying for their money in one year, in case, shall not be entitled to the same.

[Sect. 6.] That if the owner or owners of any benefit-ticket or tickets shall, for the space of one year after the drawing aforesaid, neglect to apply for the payment of such ticket or tickets, unless he, she or they shall have been at sea and out of the province for that term of time (and to such person eighteen months shall be allowed to produce their tickets), he, she or they shall not be entitled to receive the same, but such ticket and tickets are hereby declared to be cancelled and of no value; and the money in the hands of said directors, which was to have been applied to the payment of such tickets, shall, after

* *Sic.*

the expiration of the term aforesaid, be immediately paid to the town treasurer of said Sudbury, for repairing and keeping in repair the causeway and bridge aforesaid.

And be it further enacted,

[SECT. 7.] That each manager or director aforesaid, before his acting in the capacity of manager or director, as aforesaid, shall take the following oath; viz.,—

Managers' or directors' oath.

I, A. B., do swear that I will faithfully execute the trust reposed in me, and that I will not use any indirect act or means to obtain a prize or benefit-lot for myself, or any other person whomsoever, and that I will do the utmost of my endeavour to prevent any undue or sinister practice to be done by any person whomsoever, and that I will, to the best of my judgment, declare to whom any prize, lot or ticket does of right belong, according to the true intent and meaning of the act of this province made in the thirty-third year of his majesty's reign, intitled "An Act for the raising a sum of money by a lottery or lotteries, for the building a bridge over the westerly side of Sudbury River, and repairing the causeway." So help me God.

Persons employed about the lottery or lotteries to be on oath.

—which oath shall be administred by any justice of the peace in the county of Middlesex; and every person employed about the lottery or lotteries aforesaid, by the directors aforesaid, shall take an oath for the faithful performance of his trust, to be administred by any justice of the peace in the county aforesaid.

And be it further enacted,

In case the whole number of tickets in each lottery shall not be sold in six months after publication of the scheme, the town of Sudbury may take the remainder to their own account, *provided*.

[SECT. 8.] That if the whole number of tickets in each lottery, respectively, shall not be sold and disposed of by the said directors within six months after the publication of the scheme of each lottery, respectively, it shall and may be lawful for the town of Sudbury, if they think fit, to take the remainder of said tickets, undisposed of as aforesaid, to their own account: *provided*, that within one month after the publick meeting of said town, to be called for that purpose, a sum of money be raised, and paid to the directors aforesaid, sufficient to purchase the remainder of said tickets, which shall, in that case, be delivered to such person or persons as the said town shall appoint to receive the same; but if the whole of said tickets cannot be sold within the term of six months aforesaid, and the town aforesaid refuse to take the tickets remaining unsold as aforesaid, then the money received by the said directors for the tickets sold shall be by them lodged in the hands of some suitable person in the town of Boston, which they shall give notice of in the publick newspapers, to be returned to the owners of said tickets upon their delivering up their tickets to the said directors, and the charges arisen shall be defreyed by the said town of Sudbury.

Provided, nevertheless, that the said managers shall not hereby be prohibited from carrying on said lottery or lotteries at any other time which they may judge suitable and convenient for the same.

And be it further enacted,

In case of a surplusage, how the same shall be disposed of.

[SECT. 9.] That if the sum raised by means of this act shall be more than sufficient to raise said causeway, and build a new bridge aforesaid, and defrey the charges of the lottery or lotteries aforesaid, and pay the managers aforesaid for their service, as hereinafter expressed, the surplusage shall be applied towards repairing the highways in the town of Sudbury, as the said town shall direct.

And be it further enacted,

Penalty for persons who forge or counterfeit tickets, &c.

[SECT. 10.] That if any person shall forge or counterfeit any ticket or tickets to be made in consequence of this act, or alter any of the numbers thereof, or utter, vend, barter or dispose of any false, altered, forged or counterfeit ticket or tickets, or bring such ticket or tickets, knowing the same to be such, to the said directors, or any of them,

or to any other person, with a fraudulent intent, every such person or persons, being thereof convicted, in due form of law, shall suffer such pains and penalties as are by law provided in cases of forgery.

[Sect. 11.] And the said managers or directors, or any two of them, are hereby authorized and impowered to cause any person or persons bringing or uttering such false, forged or counterfeit ticket or tickets, as aforesaid, to be apprehended and committed to close goal, to be proceeded against according to law.

And be it further enacted,

Managers to keep account of the time of their attendance, and exhibit the same to the town.

[Sect. 12.] That the directors or managers aforesaid shall keep a particular account of the days of their attendance upon the service aforesaid, and for each day's attendance shall be allowed the sum of four shillings, the same not to be paid out of the monies raised by virtue of this act, unless there be a sufficiency for the purposes aforesaid, and for the payment of such their allowances; and in case of a sufficiency, they shall exhibit an account of their attendance aforesaid before a publick meeting of the town aforesaid, which account, being examined and found just, shall be paid by the town treasurer aforesaid, upon the order of the said town; but in case there shall not be a sufficiency, the town aforesaid shall make provision for the payment of such managers' allowance aforesaid: *provided*, that no more than four of the managers aforesaid shall be intitled to such allowance for one and the same day.

And be it further enacted,

Managers to receive accounts of charge, and order payment.

[Sect. 13.] That the managers or directors aforesaid, after the said lottery, or each of the said lotteries, respectively, is finished, shall receive the accounts of all charges arisen thereon, and, having found them just, shall certify the same upon said accounts, and direct the town treasurer aforesaid to pay them off and discharge them.

And be it further enacted,

Managers to contract for the work and materials, &c.

[Sect. 14.] That the managers aforesaid shall contract and agree for the raising said causeway and building the bridge aforesaid, and for the materials and labour necessary to do the same, at money price, and shall draw on the town treasurer aforesaid for the payment thereof; and, when the said causeway and bridge are finished, they shall exhibit a particular account of the cost of the same, and lay it before the town aforesaid at one of their publick meetings, in order to put on file with their other papers. [*Passed October* 20.

CHAPTER 11.

AN ACT PROVIDING FOR THE RECEPTION AND ACCOM[*M*]ODATION OF HIS MAJESTY'S FORCES WITHIN THIS PROVINCE.

Be it enacted by the Governo[*u*]*r, Council and House of Representatives*,

Regular forces marching through the province to be provided with quarters, &c.

[Sect. 1.] That when and so often as, during the continuance of this act, it shall be judged necessary for the defence of his majesty's dominions or for carrying on measures against his enemies, that any of his majesty's regular forces should march through any of the towns or districts within this province, every taverner or innholder within such town or district shall receive and entertain, within their respective houses and outhouses, as many of such forces as can therein be received and accom[*m*]odated; and if such forces shall not be provided with victuals, every such taverner or innholder shall furnish them with

diet and small beer, payment or allowance to be made therefor as follows; viz[t].,—

Rates of quarters.

For one commission officer of foot, under the degree of a captain, for his diet and small beer, per diem, one shilling sterling; and for each foot soldier's diet and small beer, sixpence sterling per diem; and so in proportion for part of a day.

And be it further enacted,

Complaint made against any taverner, innholder, &c.

[SECT. 2.] That upon complaint made to any justice of the peace for any of the counties in this province, respectively, that any taverner or innholder doth refuse to receive and entertain any of his majesty's forces as aforesaid, such justice shall forthwith make enquiry into the grounds of such complaint, and shall thereupon, within two hours, determine and order how many of such forces shall be received into the house or outhouses of such taverner or innholder, and how many shall be furnished with diet and small beer; and every taverner or innholder refusing or neglecting to receive and entertain such and so many of the forces, shall, for each offence, forfeit and pay the sum of ten pounds sterling.

Penalty.

And be it further enacted,

Governor, with the advice of the council, to authorize persons to provide quarters for his majesty's forces, in any town.

[SECT. 3.] That when and so often as, during the continuance of this act, any of his majesty's regular forces shall, for the defence of his dominions, or for prosecuting measures against his majesty's enemies, be ordered into any town or towns within this province, it shall and may be lawful for the governor, with the advice of the council, to appoint, authorize or impower any person or persons to agree for and take up such and so many houses and buildings, in or near such town or towns, as shall be judged sufficient and necessary, together with the barracks already provided at Castle William, to receive and accom-[*m*]odate the whole number of forces that may be so ordered, or, if need be, to impress so many uninhabited tenements in or near such town or towns as shall be necessary as aforesaid, and also to provide such barrack utensils and necessaries as shall be judged reasonable; the charge thereof to be advanced and paid out of the public[*k*] treasury, and an account thereof to be transmitted to the general of his majesty's forces, for a reimburs[ment][*ed*], or to the agent of this province, in England, in order to his sol[l]iciting the repayment of the same.

Limitation.

[SECT. 4.] This act to be and continue in force from the twentieth day of October, instant, to the last day of March, one thousand seven hundred and sixty, and no longer. [*Passed October* 20.

CHAPTER 12.

AN ACT FOR THE RELIEF OF POOR PRISONERS FOR DEBT.

Be it enacted by the Governour, Council and House of Representatives,

Persons standing committed for debt or damages, who have not sufficient estate to support themselves in prison, on complaint to two justices, *quorum unus*, to have the privilege of this act. 1741-42, chap 6.

[SECT. 1.] That when any persons, standing committed for debt or damages, shall complain that he or she hath not estate sufficient to support him- or herself in prison, the goaler or keeper of such prison shall, at the request of such prisoner, apply to two justices of the peace within the county, *quorum unus;* who shall thereupon make out a notification, under their hands and seals, to be served on the creditor or creditors of such prisoner, if he, she or they live within this province, his or her executor, administrator, agent or attorney,

by reading the same to them, or by leaving an attested copy thereof at the place of his, her or their usual abode, or, if out of the province, then to be left at the place of the usual abode of such creditor or creditors' agent or attorney, if any he, she or they have, thereby signifying to him, her or them, such prisoner's desire of taking the priviledge and benefit allowed in and by this act, and of the time and place appointed for the intended caption of his or her oath; which notification shall be served at least forty days before the caption, and so certified to the justices, that so he, she or they may be present, if they see cause; and in case any creditor lives without this province, and hath no agent or attorney in it, the justices shall cause a notification to be left with the clerk of the court out of which the execution issued, and shall allow double the time before mentioned: and such justices are hereby impowered to administer to the debtor, if they think proper so to do, after they have fully examined and heard the parties, the following oath; viz[t].,—

Form of the oath.

I, A. B., do, upon my oath, solemnly profess and declare before Almighty God that I have not any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not, since the commenc[ing][*ment*] of this suit upon me, nor at any other time, directly or indirectly, sold, leased, or otherwise conveyed, or disposed of, to, or intrusted any person or persons whomsoever with, all or any part of the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive or to expect any profit or advantage therefrom; or done, caused or suffered to be done, anything else whatsoever whereby any of my creditors may be defrauded.

Oath taken, and certificate made by the justices administering the same, the prisoner to be set at liberty, *unless*.

—which oath being taken by such prisoner, and certificate thereof made, under the hands and seals of the justices administring the same, to the goaler or keeper, he shall thereupon set such prisoner at liberty, unless the creditor or creditors, agent or attorney, notified as aforesaid, his, her or their executor or administrator, shall give security to the goaler or keeper, for the payment of three shillings and sixpence per week for and towards the support of such prisoner while he or she shall be detained in prison; and the goaler or keeper shall detain and keep in close custody such prisoner so long as said sum shall be paid, but upon failure of payment thereof shall set him or her at liberty.

Penalty in case of refusal or neglect of the gaoler, &c.

[Sect. 2.] And in case the goaler shall refuse or delay to discharge any prisoner who has complied with this act, he shall forfeit and pay to the prisoner the full sum for which he stands committed, to be recovered by action of debt in any court proper to try the same.

And be it further enacted,

Prisoner convicted of selling, or otherwise disposing of, his or her estate, how to be punished. 1692–3, chap. 18. § 9.

[Sect. 3.] That if any such prisoner as aforesaid shall be convicted of having sold, leased or otherwise conveyed or disposed of, or intrusted, his or her estate, or any part thereof, directly or indirectly, contrary to his foregoing oath, he shall not only be liable to the pains and penalties mentioned in the act for punishing of wilful perjury, but shall receive no benefit from his oath; or in case such prisoner, at the time of the intended caption, shall not take the aforesaid oath, or be not admitted thereto by the justices, he or she shall be remanded back to the goal, and shall not be intitled to the benefit of this act.

Judgment obtained against such prisoner, to remain good and effectual in law against his or her estate, notwithstanding such discharge, &c.

[Sect. 4.] And all and every judgment obtained against such prisoner shall, notwithstanding such discharge as aforesaid, be and remain good and effectual in law, to all intents and purposes, against any estate, whatsoever, which may then or at any time afterwards belong to him or her; and the creditor or creditors, agent or attorney, his, her or their executors or administrators, may take out a new execution against the lands, tenements, hereditaments, goods and chattels of such prisoner

(his or her wearing apparel, bedding for him and his or her family, and tools necessary for his or her trade or occupation, only excepted), for the satisfaction of the debt, in such sort and manner as might have been done in case such prisoner had never been taken in execution; and the charge, if any there be, that the creditor has been at for such prisoner's weekly support as aforesaid (upon oath being first made thereto before the clerk of the court out of which the execution issues, who is hereby impowered to administer the same), shall be added thereto; and if any debtor shall be aggrieved at any such additional charge, the creditor shall forfeit and pay to the debtor fourfold the sum unjustly charged and levied upon him for such support, to be recovered in any court proper for the trial thereof.

Provided, nevertheless,—

And it is hereby declared;

Proviso.

[SECT. 5.] That such prisoner as aforesaid shall only be discharged from the execution or executions whereon such process, as is before mentioned, has been had, and not from any other whereon he or she may be committed, until the oath and directions before [pr][*d*]escribed be taken and attended; nor shall any person who, after receiving the benefit of this act, shall be again committed upon any new execution as aforesaid, receive any further advantage by this act; nor shall this act be construed to extend to any person in custody for any fine imposed on him or her.

Limitation.

[SECT. 6.] This act shall continue and be in force from the twentieth day of October instant, until the first day of April, which will be in the year of our Lord one thousand seven hundred and sixty-three. [*Passed October* 20.

CHAPTER 13.

AN ACT FOR REVIVING SUNDRY LAWS THAT ARE EXPIRED.

Revival of sundry laws.

WHEREAS the several acts hereinafter mentioned, which are now expired, have been found useful and beneficial; namely, one act made in the sixteenth year of his present majesty's reign, intitled "An Act to prevent the spreading of the small-pox and other infectious sickness, and to prevent the concealing the same;" one act made in the eighteenth year of said reign, intitled "An Act in addition to the act intitled 'An Act for appointing commissioners of sewers;'" one act made in the twentieth year of said reign, intitled "An Act relating to views, by a jury in civil actions;" one act made in the twenty-seventh year of said reign, intitled "An Act in addition to the act made and passed in the eighth year of the reign of her late majesty Queen Anne, intitled 'An Act for regulating of drains, or common shores;'" two acts made in the twenty-ninth year of said reign, one intitled "An Act for preventing petitions to the general court, relating to licences for retailing strong drink, and keeping houses of publick entertainment;" and the other intitled "An Act in addition to the several acts and laws of this province, now in force, respecting poor and idle, disorderly and vagrant, persons,"—

Small-pox. 1742-43, chap. 17.

Commissioners. 1745-46, chap. 16.

Views by juries. 1746-47, chap. 6.

Drains. 1753-54, chap. 43.

Petitions for licenses. 1755-56, chap. 39.

Vagabonds. 1755-56, chap. 43.

Be it therefore enacted by the Governour, Council and House of Representatives,

Continued to the first of April, 1763.

That the before-mentioned acts, with all and every article, clause, matter, and thing, therein respectively contained, be and hereby are revived, and shall be in force from the twenty-fifth day of October, instant, and until the first day of April, one thousand seven hundred and sixty-three, and no longer. [*Passed October* 20.

CHAPTER 14.

AN ACT TO REVIVE AN ACT INTITLED "AN ACT MAKING PROVISION FOR THE QUARTERING AND BILLETING RECRUITING OFFICERS AND RECRUITS IN HIS MAJESTY'S REGULAR FORCES EMPLOYED FOR THE PROTECTION AND DEFENCE OF HIS MAJESTY'S DOMINIONS IN NORTH AMERICA."

Preamble. 1758-59, chap. 15.

Whereas an act was passed in the [32nd] [*thirty-second*] year of his majesty's reign, intit[u]led "An Act making provision for the quartering and billeting recruiting officers and recruits in his majesty's regular forces employed for the protection and defence of his majesty's dominions in North America", which act is now expired; *and whereas* his majesty's service may require the revival of said act,—

Be it enacted by the Governo[u]r, Council and House of Representatives,

Continued till the first of June, 1760, *provided*.

That the act aforesaid be and it hereby is revived, and every clause and paragraph therein shall be and continue in force from the [25th] [*twenty-fifth*] day of October, [1759] [*one thousand seven hundred and fifty-nine*], to the [1st] [*first*] day of June, [1760] [*one thousand seven hundred and sixty*], if the war with France shall continue so long. [*Passed October* 20.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE SECOND DAY OF JANUARY, A.D. 1760.

CHAPTER 15.

AN ACT IN FURTHER ADDITION TO THE ACT FOR LIMITATION OF ACTIONS, AND FOR AVOIDING SUITS IN LAW WHERE THE MATTER IS OF LONG STANDING.

Preamble. 1757-58, chap. 9. 1740-41, chap. 4. 1755-56, chap. 22.

WHEREAS, by a law of this province, intituled "An Act in further addition to the act for limitation of actions, and for avoiding suits in law where the matter is of long standing," made and passed in the thirty-first year of his present majesty's reign, the time limited for commencing all actions of account, and upon the case, excepting such as are excepted in another act, intituled "An Act in addition to and for the explanation of an act, intituled 'An Act for limitation of actions, and avoiding suits at law where the matter is of long standing,'" made and passed in the twenty-second year of his present majesty's reign, will expire the last day of March next; *and whereas* the continuance of the war, and great numbers of men that are and may hereafter be in his majesty's service, will make it necessary that some further time may be allowed for the bringing some kind of actions,—

1748-49, chap. 17.

Be it therefore enacted by the Governour, Council and House of Representatives,

Time for bringing actions of the case, to be extended.

[SECT. 1.] That the time for commencing of actions of the case, upon notes of hand, or upon book accounts, limited by said act of the twenty-second, or by said act of the thirty-first, year of his present majesty's reign, shall be and is hereby extended to the last day of March, which will be in the year of our Lord one thousand seven hundred and sixty-three; and no suit hereafter to be brought in such cases shall be barred if commenced before the expiration of said term.

And that this law may be more generally known,—

Be it further enacted,

1740-41, chap. 4. This act to be read in towns and districts. 1748-49, chap. 17.

[SECT. 2.] That the act, intituled "An Act for the limitation of actions, and for avoiding suits in law where the matter is of long standing," made in the thirteenth year of the present reign, the aforesaid act, intituled "An Act in addition to and for the explanation of an act, intituled 'An Act for the limitation of actions, and avoiding suits at law where the matter is of long standing,'" made and passed in the twenty-second year of the present reign, and this act, shall be read by the clerk of each town and district, at their anniversary meetings in March and May, annually; and the justices of the several courts of common pleas within the respective counties shall cause the same to be publickly read at the opening of their courts, from time to time, from the publication of this act and until the last day of March, one thousand seven hundred and sixty-three. [*Passed January* 16; * *published February* 5, 1760.

* February 13, according to the record.

CHAPTER 16.

AN ACT FOR APPLYING THE SUM OF TWENTY-SEVEN THOUSAND FIVE HUNDRED AND SEVENTY-FOUR POUNDS TEN SHILLINGS, LAWFUL MONEY, REMITTED TO THE PROVINCE BY MR. AGENT BOLLAN, TO THE PAYMENT OF THE OFFICERS AND SOLDIERS IN THE LATE EXPEDITION AGAINST CANADA.

Preamble. 1759-60, chap. 8.

Whereas, in and by an act passed in this present year of his majesty's reign, intit[u]led "An Act for supplying the treasury with the sum of one hundred and forty-four thousand five hundred pounds, to be thence issued for discharging the public[k] debts, and drawing the same into the treasury again, the treasurer of the province is impow-[e]red and directed to borrow one sum of sixty thousand pounds, and to apply the same to the payment of the expences in the expedition against Canada in the year one thousand seven hundred and fifty-nine; and the said treasurer is impowered and directed, by the same act, to issue his warrants to the selectmen or assessors of each town and district within this province, some time in the month of June, one thousand seven hundred and sixty, for said sum, to be proportioned among the several towns and districts, according to the preceeding tax act: *provided* that the general court at their sessions in May, and before the twentieth day of June, in the aforesaid year, do not agree and conclude upon an act to apportion the same; *and whereas* the sum of twenty-seven thousand five hundred and seventy-four pounds ten shillings, in lawful money of this province, has been remitted to the province by Mr. Agent Bollan, and received into the treasury before the aforesaid sum was borrowed, and remains to be appropriated,—

Be it therefore enacted by the Governo[u]r, Council and House of Representatives,

Treasurer impowered to apply the money received from Mr. Agent Bollan.

That the treasurer of the province be and hereby is impowered and directed to apply the said sum of twenty-seven thousand five hundred seventy-four pounds ten shillings, to the payment of the officers and soldiers employed in the expedition against Canada, in the year one thousand seven hundred and fifty-nine; and that, instead of borrowing the sum of sixty thousand pounds, as aforesaid, he borrow no more than the sum of thirty-two thousand four hundred and twenty-five pounds ten shillings, and that, instead of a tax going out for sixty-four thousand pounds, as aforesaid, it be issued for thirty-five thousand pounds, and no more. [*Passed January* 25; * *published February* 5, 1760.

CHAPTER 17.

AN ACT IMPOWERING THE PROVINCE TREASURER TO BORROW THE SUM OF SIXTY THOUSAND POUNDS.

Preamble.

Whereas this court have agreed to raise a number of men to co-operate with his majesty's other forces for the reduction of Canada, and it is necessary that there be a speedy supply of money for levying the same,—

Be it enacted by the Governour, Council and House of Representatives,

Treasurer empowered to borrow £60,000.

[Sect. 1.] That the treasurer of this province be and hereby is directed and impowered to borrow the sum of sixty thousand pounds,

* February 13, according to the record.

in Spanish mill'd dollars at six shillings each, or in coined silver, sterling alloy, at six shillings and eightpence per ounce, and the said sum of sixty thousand pounds, when borrowed, shall be issued by the governour or commander-in-chief, by and with the advice of the council, for the levying the said men, pursuant to the order of this court, and for no other use whatsoever; and if there shall be a surplus, it shall remain in the treasury for the further order of this court; and for the sum so borrowed the treasurer shall give receipts and obligations in the form following:—

Form of treasurer's receipt.

Province of the Massachusetts Bay. The day of 1760. Received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or order, the twentieth day of June, one thousand seven hundred and sixty-four, the aforesaid sum of , in coined silver of sterling alloy, at six shillings and eightpence per ounce, or in Spanish mill'd dollars, at six shillings each, with interest annually at the rate of six per cent per annum.

Witness my hand, H. G.

—and no receipt or obligation shall be given for less than six pounds.

And to enable the treasurer to discharge the obligations by him given in pursuance of this act,—

Be it enacted,

Tax of £75,000, in 1763.

[SECT. 2.] That there be and hereby is granted to his most excellent majesty, a tax of seventy-five thousand pounds, to be levied on polls, and estates within this province, according to such rules and in such proportions as shall be agreed upon and ordered by the general court of this province, at their sessions in May, and before the twentieth of June, one thousand seven hundred and sixty-three; and if there shall be a surplus, it shall remain in the treasury for the order of this court.

And be it further enacted,

Rule for apportioning the tax, in case no tax act shall be agreed on.

[SECT. 3.] That in case the general court shall not, by the twentieth of June, one thousand seven hundred and sixty-three, agree and conclude upon a tax act to draw into the treasury the aforesaid sum of seventy-five thousand pounds by the thirty-first day of March then next after, that then the treasurer of the province shall issue his warrants, directed to the assessors of the several towns and districts within this province, requiring them, respectively, to assess, levy and pay their respective proportions of said sum according to the proportions, rules and directions of the then last preceeding tax act.

Whereas this province have a humble trust and dependence on his majesty for a reimbursement of the charge that shall arise in consequence of the aforesaid expedition,—

Be it therefore enacted,

Treasurer to apply moneys that may be received from Great Britain.

[SECT. 4.] That the treasurer be and he is hereby directed and impowered to apply so much of the money that may be granted by parliament as a compensation for the service of the year one thousand seven hundred and sixty, and shall arrive here from Great Britain before the twentieth day of June, one thousand seven hundred and sixty-three, as shall be sufficient to discharge the obligations by him given in pursuance of this act; and in case so much money shall arrive from Great Britain and be received into the province treasury before the twentieth of June, one thousand seven hundred and sixty-three, as shall be sufficient to discharge the obligations given by the treasurer, as aforesaid, then in such case the several clauses in this act providing for the issuing a tax of seventy-five thousand pounds shall be and hereby is declared null and void; but if the sum that shall be received

from Great Britain shall not be sufficient for the discharging the obligations given by the treasurer, and interest thereon, in pursuance of this act, then and in such case the tax or taxes ordered by this act shall go forth only for a sum to make good the deficiency. [*Passed February* 13; *published February* 14, 1760.

CHAPTER 18.

AN ACT TO PREVENT SOLDIERS AND SEAMEN IN HIS MAJESTY'S SERVICE FROM BEING ARRESTED FOR DEBT.

Preamble. 1758-59, chap. 25.

For the more speedy and effectual levying of soldiers, and to prevent their being arrested for debt, or their defrauding the government of the bounty they may receive,—

Be it enacted by the Governour, Council and House of Representatives,

Soldiers and seamen in his majesty's service not liable to be arrested.

[Sect. 1.] That no person who is or shall be engaged in his majesty's service, and in the pay of this province, either as a non-commission officer, private soldier or seaman, shall, during his continuance therein, be liable to be taken out of his majesty's service by any process or execution, unless for some criminal matter, for any sum under the value of ten pounds sterling, nor for any greater sum, until oath shall be made by the plaintiff or plaintiffs, before one of the justices of the court out of which the execution or process shall issue, or before two justices of the peace, *quorum unus*, in the county where the plaintiff or plaintiffs may happen to be, that to his or their knowledge there is, *bonâ fide*, due from such person as the process or execution is desired to issue against, the sum of ten pounds sterling at least, and was due on the twenty-fourth day of January last; nor in either of the cases aforesaid shall the soldier or soldiers be taken out of said service (in causes criminal only excepted) unless the plaintiff or plaintiffs, or the person in whose favour the execution issued, shall pay the bounty money the said soldier received, unto the justice or justices who shall administer the oath aforesaid; in which cases said justice or justices shall forthwith transmit the same to the treasurer of the province, particularly mentioning for whom said bounty money was paid; said sum to be recovered, in the cases aforesaid, of the soldier, by action of debt brought therefor by the person that paid the same: and every non-commission officer, private soldier or seaman, whose body, contrary to the true intent of this act, shall be arrested by mean process or execution after his being inlisted into said service, may and shall be set at liberty by any two justices of the peace, *quorum unus*, or by one of the justices of the court where such process issued, upon application made by him or his superiour officer, and proof of his being entred into the service aforesaid.

[Sect. 2.] And when it shall so happen that any non-commission officer, private soldier or seaman shall be actually committed to goal, on any execution, and shall be liberated as aforesaid, after his being dismissed from said service the clerk of the court from whence the execution issued may and hereby is enjoined to give an *alias* execution, upon the creditor's application for one.

Provided, nevertheless, and it is the true intent and meaning of this act,

Proviso.

[Sect. 3.] That no such non-commission officer, private soldier or seaman as aforesaid, shall have his person exempted from arrests for

any sum or sums due for the publick tax for the year one thousand seven hundred and fifty-nine, any thing in this act to the contrary notwithstanding. [*Passed February* 13; *published February* 14, 1760.

CHAPTER 19.

AN ACT IN ADDITION TO THE SEVERAL ACTS AGAINST DESERTIONS AND FOR THE PUNISHMENT OF DESERTERS.

Be it enacted by the Governour, Council and House of Representatives,

Persons enlisted and shall afterwards abscond, how to be proceeded with. 1744-45, chap. 11. 1746-47, chap. 23. 1756-57, chap. 36. 1758-59, chap. 2.

That if any person shall inlist into the provincial service, and receive part of the bounty money granted, or that shall be granted, during the present war with France, and shall not attend the orders given him by his superiour officer, but shall abscond, he shall be deemed a deserter, to all intents and purposes, as fully as if he had received the whole of the bounty, and had read to him the second and sixth sections of the articles of war, against mutiny and desertion, and had taken the oath of fidelity; and it shall and may be lawful for any person to apprehend any one who may be suspected of desertion, and bring him before any justice of the peace living in or near to the place where he shall be apprehended, who is hereby impowered to examine such suspected person, and if, by his confession, or the testimony of one or more witness or witnesses upon oath, or upon his inlistment being produced, or by the knowledge of such justice of the peace, it shall appear that he was inlisted and had received the bounty money therefor, or any part of the same, such justice of the peace shall immediately cause said deserter to be conveyed to his majesty's Castle William, in order to his being transported (if his excellency the governour shall see meet) to one of the garrisons in this province, there to do duty as a soldier until he shall thereby have reimbursed the province, at the rate of garrison pay, the bounty he shall have received, the forty shillings reward for taking him up, and all other charges the province shall have been at in his being apprehended and transported as aforesaid; and every such person shall be deemed a soldier in the service of this province, and, in case of misconduct, be subject to the like penalties as if he had inlisted into the same. [*Passed February* 13; *published February* 14, 1760.

CHAPTER 20.

AN ACT TO ENABLE THE WIDOWS OF SUCH NON-COMMISSION OFFICERS AND SOLDIERS AS SERVED, IN THE PAY OF THIS PROVINCE, UNDER THE GENERAL AND COMMANDER-IN-CHIEF OF HIS MAJESTY'S FORCES IN NORTH AMERICA, IN THE YEAR 1759, AND ARE SINCE DECEASED, INTESTATE, TO RECEIVE THE WAGES DUE TO SUCH OFFICERS OR SOLDIERS, WITHOUT ADMINISTRATION UPON THEIR ESTATES.

Be it enacted by the Governour, Council and House of Representatives,

Treasurer to pay widows of non-commission officers and

[SECT. 1.] That it shall and may be lawful for the province treasurer, and he is hereby directed, to pay to the widow of any non-commission officer or soldier who served, in the pay of this province, under

the general and commander-in-chief of his majesty's forces in North America, any time in the year one thousand seven hundred and fifty-nine, and since deceased, intestate, the wages due to such officer or soldier; and the receipt given by such widow shall be a discharge to the province treasurer; and such widow shall not be liable to any action or suit for any sum received by virtue of this act.

soldiers, the pay due, &c. 1758-59, chap. 24.

And be it further enacted,

[Sect. 2.] That if administration shall be granted upon the estate of any deceased officer or soldier whose widow shall have received his wages by virtue of this act, the judge of probate granting such administration shall, and he is hereby required, in passing upon the accounts of the administrator, to consider and have regard to the sum so received, as an allowance, either in part or in whole, as such judge shall think proper, of the necessary implements of houshold stuff allowed by law to widows in cases where provision is not otherwise made for that purpose. [*Passed February* 13; *published February* 14, 1760.

Judge of probate empowered to make allowance to the widows of non-commission officers and soldiers, &c.

CHAPTER 21.

AN ACT RELATING TO FERRIES.

Whereas there are several places within this province where c[*ountry**] roads heretofore have been, or hereafter may be, laid over rivers which are not forda[*ble**], some of them the whole year, others part of the year, and where bridges cannot be [*erected**] without great cost and charge, and no persons will undertake to keep ferr[y'][*ie*]s at sa[*id**] places, by which means travellers and other persons are greatly interrupted in their bus[*iness**]; for remedy whereof,—

Preamble. 123 Mass., 469.

Be it enacted by the Governo[*u*]*r, Council and House of Representatives*,

[Sect. 1.] That the several towns and districts within this province where, in the judgment of the quarter sessions, it is necessary to set up ferries as aforesaid, said towns and districts shall take effectual care to provide a suitable person or persons to keep and attend said ferries, at such times in the year as it may be necessary; which persons shall be licen[s][*c*]ed by the justices in quarter sessions: said persons to give bond for the faithful discharge of their place; and all such ferrymen are hereby enjoined to keep a good boat or boats, in good repair, suitable to the waters they are to ferry over, also give due attendance on passengers, on penalty of five shillings for every default of non-attendance; and for want of a good boat, kept in repair, to pay five pounds; and the fairs of the respective ferr[y'][*ie*]s to be set[*t*]led by said courts, having regard to the difficulty of maintaining the same.

Towns to provide persons to keep and attend ferries.

Said ferrymen to be licensed and give bond.

Penalty for default.

Be it further enacted,

[Sect. 2.] That if any such ferry may be necessary across any river where one town or district join said river on the one side, and another town or district on the other side, in such case the said towns and districts shall, either jointly or alternately, provide such person or persons to keep such ferry, as said court shall order.

Towns and districts further empowered, relating to ferries, as the sessions shall order.

Be it further enacted,

[Sect. 3.] That the several towns and districts that shall neglect or refuse to provide suitable persons to keep ferr[*y*][*ie*]s as aforesaid, shall forfeit and pay the sum of ten pounds per month for each month's neglect. All fines and forfeitures arising by this act shall be one

Penalty for towns and districts that shall neglect.

How fines are to

* Parchment mutilated by mice.

be disposed of. moiety thereof to him or them that shall inform or sue for the same, the other moiety to be paid into the province treasury, to be recovered in any court proper to try the same.

Limitation. [SECT. 4.] This act to continue and be in force five years from the first day of May next, and no longer. [*Passed February* 13; *published February* 14, 1760.

CHAPTER 22.

AN ACT FOR INCORPORATING CERTAIN LANDS LYING WEST OF SHEFFIELD INTO A SEPARATE DISTRICT BY THE NAME OF EGREMONT.

Preamble. WHEREAS it is represented to this court that the inhabitants of the lands west of Sheffield labour under great difficulties and inconvenienc[*i*]es by means of their not being invested with the priviledge of a district; therefore,—

Be it enacted by the Governour, Council and House of Representatives,

Lands west of Sheffield erected into a district. [SECT. 1.] That the whole tract of land beginning at Sheffield west line, at the south-east corner of Ebenezer Olds' land, then running west, nine degrees north, four miles and an-half and thirty-seven

Bounds thereof. rods; thence running north, twenty-two degrees east, five miles and three-quarters; thence running east, nine degrees south, on the south line of Peter Sharp's land, to Sheffield line; thence running on Sheffield line, to the first bounds; be and hereby is erected into a distinct and separate district by the name of Egremont; and that the said

Privileges, &c., granted said district. district be and hereby is invested with all the priviledges, powers and immunities that towns in this province do and by law may enjoy, that of sending a representative to the general assembly only excepted, and that the inhabitants of said district shall have full power and right, from time to time, to join with the said town of Sheffield in the choice of a representative, in which choice they shall enjoy all the priviledges which by law they would have been [e][*i*]ntit[*u*]led to if this act had not been made; and that the said district shall, from time to time, pay their proportionable part of the expence of such representative according to their respective proportions of the province tax; and that the said town of Sheffield, as often as they shall call a meeting for the choice of a representative, shall give seasonable notice to the clerk of said district, for the time being, of the time and place of holding such meeting, to the end that the said district may join them therein; and the clerk of said district shall set up, in some public[k] place in said district, a notification thereof accordingly.

Provided, nevertheless,—

And be it further enacted,

Proviso. [SECT. 2.] That the said district shall pay their proportion of all such province taxes or county taxes as have been duly assessed on them by the town of Sheffield, and their proportion of the ministerial taxes hitherto granted to be raised in said second parish of Sheffield.

[*And be it further**] *enacted*,

Exemption. [SECT. 3.] That the inhabitants on said tract of land be exempted from the payment of the two last taxes, made in the said second parish of Sheffield, for finishing of the meeting-house in said parish.

And be it further enacted,

John Ashley, [SECT. 4.] That John Ashley, Esq[r]., be and hereby is impow-

* Four words not in the engrossment.

[c]red to issue his warrant to some principal inhabitant in said district, requiring him to notify and warn the inhabitants of said district, qualified by law to vote in town affairs, to meet, at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said district. Esq., empowered to issue his warrant for assembling the inhabitants.

Provided, nevertheless,—

[Sect. 5.] That nothing in this act shall be construed to convey any right or title the province hath or ought to have in any part or parcels of the lands included within the district abovesaid, but that every part and parcel thereof remain as tho' this act had not been made and passed. [*Passed February* 13; *published February* 14, 1760. Proviso.

CHAPTER 23.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED FRANKFORT, LYING UPON THE EAST SIDE OF THE RIVER KENNEBECK, IN THE COUNTY OF YORK, INTO A TOWNSHIP BY THE NAME OF POWNALBOROUGH.

Whereas it hath been represented to this court by the proprietors of the Kennebeck purchase from the late colony of New Plymouth that the erecting the new plantation called Fran[c][k]fort, lying upon the east side of the river Kennebeck, in the county of York, into a township, will greatly contribute to the growth thereof,— Preamble.

Be it enacted by the Governour, Council and House of Representatives,

[Sect. 1.] That the plantation aforesaid, bounded as follows; viz[t]., beginning upon Kennebeck River, two miles and one hundred rods to the northward of the blockhouse within said plantation, and from thence running an east-south-east course, to Sheepscut River; thence to run southerly, down said Sheepscut River, to the mouth of Monsweag River; then northerly, up said Monsweag River, to the northern boundary line of the district of Woolwich; then to run a west-north-west course, along said northern boundary line of Woolwich, to the river Kennebeck; thence northerly, up said river Kennebeck, to the bounds first mentioned,— and to include Swan Island and all other islands, in said river Kennebeck, lying within the northern and southern boundary lines of said plantation,— be and hereby is erected into a township by the name of Pownalborough; and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do or by law ought to enjoy, that of sending a representative to the general assembly only excepted. New plantation called Frankfort, erected into a township. Bounds thereof. Privileges, &c., granted said town.

And be it further enacted,

[Sect. 2.] That Samuel Denny, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said township, to notify and warn the inhabitants in said township, qualified by law to vote in town affairs, to meet, at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said township. [*Passed February* 13; *published February* 14, 1760. Samuel Denny, Esq., empowered to issue his warrant for assembling the inhabitants.

CHAPTER 24.

AN ACT IN FURTHER ADDITION TO AN ACT INTIT[*U*]LED "AN ACT FOR THE SETTLEMENT AND SUPPORT OF MINISTERS AND SCHOOLMASTERS."

Preamble. 1692-93, chap. 26.

WHEREAS, in and by an act made and passed in the fourth year of the reign of King William and Queen Mary, intit[*u*]led "An Act for the settlement and support of ministers and schoolmasters," it is, among other things, enacted "That the inhabitants of each town within this province shall take due care, from time to time, to be provided of an able, learned, orthodox minister or ministers, of good conversation, to dispense the word of God to them; which minister or ministers shall be suitably encouraged and sufficiently supported and maintained by the inhabitants of such town;" *and whereas*, notwithstanding the provision aforesaid, some towns, districts, precincts or parishes within this province have chosen to, and settled in, the work of the ministry ignorant and illiterate persons, by means whereof the validity of the assessments made for the support of such persons has been disputed, and the peace and good order of such towns, districts, precincts and parishes have been greatly disturbed; for prevention whereof for the future,—

Be it enacted by the Governo[*u*]*r, Council and House of Representatives*,

Towns, &c., not to be assessed towards the support of illiterate ministers, unless.

That it shall not be lawful for any town, district, precinct or parish to assess the inhabitants thereof for or towards the support or maintenance of any person who shall be hereafter called to or settled in the work of the gospel ministry in such town, district, precinct or parish, unless such person shall have been educated at some university, college, or public[k] academy for the instruction of youth in the learned languages, and in the arts and sciences; or shall have received a degree from some university, college, or such public[k] academy; or shall have obtained testimonials under the hands of the major part of the settled ministers of the gospel in the county where such town, district, precinct or parish shall lie, that they apprehend him, the said person being a candidate for the gospel ministry, to be of sufficient learning to qualif[ie][*y*] him for the work of such ministry; and all assessments contrary to this act shall be void, and have no effect. [*Passed February* 13; *published February* 14, 1760.

CHAPTER 25.

AN ACT FOR RAISING A SUM OF MONEY BY LOTTERY, FOR DRAWING IN SUCH OF THE NOTES OR BILLS OF THE LATE LAND-BANK OR MANUFACTORY COMPANY, AS ARE YET OUTSTANDING.

Preamble. 1758-59, chap. 29.

WHEREAS it has been represented to this court that near one thousand pounds of the notes or bills issued by the late Land-Bank or Manufactory Company are still outstanding, and remaining to be redeemed; and that, by reason of the death of many of that company, the insolvency of others, and the removal of divers of them out of the province (having first alienated their estates which lay within the same), the raising a sum of money, by assessment on the rest of the

partners, sufficient to exchange those bills, now much enhanced in value by the interest grown thereon, will greatly burthen and distress them; and that, since the loss of the books, accounts, and other papers containing the affairs and transactions of that company,—which, together with the court-house in Boston, were providentially consumed by fire, — it will be difficult, if not impracticable, to apportion and lay such burthen equitably among such of the surviving partners as remain within this province: to the end, therefore, that such of those notes or bills as are still outstanding, with the interest daily growing thereon, may be speedily drawn in and consumed, and a final period put to the perplexed affairs of that company, and for preventing frequent applications to this court in relation thereto, whereby the publick affairs of the province have heretofore been greatly interrupted,—

Be it enacted by the Governour, Council and House of Representatives,

Selectmen of Boston allowed and empowered to set up and carry on one or more lotteries for redeeming land-bank notes.

[Sect. 1.] That Messieurs Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes, John Scollay, Benjamin Austin, and Andrew Oliver, jun., or any three of them, be and hereby are impowered to set up and carry on one or more lottery or lotteries, amounting in the whole to such a sum as, by drawing or deducting twelve and an-half per cent out of the same, may raise three thousand five hundred pounds, and no more; and that the said sum of three thousand five hundred pounds, raised by the deduction aforesaid, be, by the persons above named, paid to Samuel Danforth, Nathanael Hatch, and Thomas Goldthwait, Esqrs., commissioners appointed by this court to settle the affairs of the said Land-Bank or Manufactory Scheme, within ten days after the sale of the tickets of said lottery shall be compleated, taking their receipt for the same; or, if the persons aforesaid shall think fit to raise said sum of three thousand five hundred pounds by more lotteries than one, then the money raised by each lottery, by the deduction aforesaid, shall, within ten days after the tickets of each lottery, respectively, are sold, be paid by them to the commissioners or to the major part of them.

And be it further enacted,

Any three of them may be managers or directors.

[Sect. 2.] That the persons aforesaid first mentioned, or any three of them, be and they hereby are declared to be the managers or directors of each and every of the said lottery or lotteries, and are hereby impowered to make all necessary rules, and use all necessary methods, to manage and direct the same.

And be it further enacted,

Said managers to dispose of the tickets, make preparation for the drawing, and to give public notice.

[Sect. 3.] That the said managers or directors, with all convenient speed, after the sale of the tickets of each lottery, shall make preparation for drawing the same, and shall give notice in the publick prints, of the time and place of drawing, at least ten days before the drawing begins, that any of the adventurers, if they think fit, may be present at the drawing.

Managers directed in their proceedings.

[Sect. 4.] And as soon as may be after drawing of each lottery, the said managers shall cause a list of the benefit-tickets, expressing the number and value of each of them, to be printed in one of the publick newspapers, at the same time notifying the owners of such benefit-tickets of the time and place when and where they may apply for the payment of such tickets; and if any dispute shall arise about the property of any of the said benefit-tickets, the major part of the managers shall determine to whom it doth or ought to belong.

And be it further enacted,

Benefit-tickets to be paid off by the managers within twenty

[Sect. 5.] That the said benefit-tickets shall be paid off by the managers aforesaid within twenty days after the drawing of each lottery is finished, upon application of the owner or owners of such

days after drawing.

tickets, and delivering them up to be cancelled; and to secure the payment of such benefit-tickets to the owner or owners of them, the said managers, and their estates, are hereby held and subjected to satisfy and make good the same, in like manner as they and their estates are subjected by law to satisfy and make good their own proper debts: *provided*, that if the money in said managers' hands shall be lost by fire, or any other extraordinary or unavoidable accident, the said managers, and their estates, shall not be so held and subjected.

And be it further enacted,

Owners of benefit-tickets not applying for their money in one year, in case, shall not be entitled to the same.

[SECT. 6.] That, if the owner or owners of any benefit-tickets shall, for the space of one year after the drawing aforesaid, neglect to apply for the payment of such ticket or tickets, unless he, she or they shall have been at sea or out of the province for that term of time, (and to such persons eighteen months shall be allowed to produce their tickets), he, she or they shall not be intitled to receive the same, but such ticket and tickets are hereby declared to be cancelled, and of no value; and the money in the hands of said managers, which was to have been applied to the payment of such tickets, shall, after the expiration of the term aforesaid, be paid to the province treasurer for the use of this province.

And be it further enacted,

Managers, &c., to be on oath.

[SECT. 7.] That each manager aforesaid, before his acting in the capacity of manager, shall take an oath for the faithful execution of the trust reposed in him by virtue of this act. And every person employed about each lottery shall take an oath for the faithful performance of his trust; which last oath may be administred by any one of the managers, who are hereby impowered to administer the same.

And be it further enacted,

Managers to keep account of the time of their attendance, &c.

[SECT. 8.] That the managers aforesaid shall keep a particular account of the days of their attendance upon the service aforesaid, and for each whole day's attendance shall be allowed the sum of six shillings, the same to be paid by the commissioners aforesaid, or the major part of them, out of the monies raised by virtue of this act: *provided*, that no more than three of the managers aforesaid shall be intitled to such allowance for one and the same day.

And be it further enacted,

Managers to receive accounts of charge, &c.

[SECT. 9.] That the managers aforesaid, after each lottery shall be finished, shall receive the accounts of all charges arisen thereon, and, having found them just, shall certify the same upon said accounts, to the said commissioners, or the major part of them, who are hereby directed to pay the same out of the monies aforesaid.

And be it further enacted,

Lotteries to be finished in eighteen months.

[SECT. 10.] That the lottery or lotteries aforesaid shall be wholly compleated and finished within eighteen months from the first day of March, one thousand seven hundred and sixty.

And be it further enacted,

How the moneys are to be applied.

[SECT. 11.] That the commissioners aforesaid, or the major part of them, shall, and they hereby are directed to, apply the money, from time to time, as they may receive it from the managers of the lotteries aforesaid (saving so much as shall be sufficient to defrey the necessary charges of said lotteries; and any dues or charges incurred, or that may arise in transacting the affairs of that company, which shall be judged to require speedy payment), to redeem the notes or bills of the said manufactory company, and pay the interest that may be due upon them, they, the said commissioners, or the major part of them, giving notice of the time and place, which shall be within the town of Boston, when and where they will attend to redeem the said bills; which notice shall be given in the several weekly newspapers printed in Bos-

ton; and those persons possessed of any of said manufactory bills, who shall first apply for the redeeming of them, shall be intitled to have them first redeemed.

And be it further enacted,

Commissioners to give notice of the time of redeeming bills.

[Sect. 12.] That when the commissioners aforesaid shall have received a sufficiency of money to redeem the whole of said bills, they shall give notice thereof, as aforesaid, to the possessors of said bills; and said notice, being given six weeks, successively, in all the weekly newspapers aforesaid, is hereby made and declared a legal tender to all and every such possessor and possessors.

And be it further enacted,

Commissioners to lay their accounts before the general court, within a limited time.

[Sect. 13.] That the commissioners aforesaid, together with the former commissioners, shall, within three months after the compleating of the lotteries aforesaid, lay before this court, for their allowance and approbation, an account of their proceedings in the affairs of said company, and of their disposition of the money received by them by virtue of this act.

And be it further enacted,

Surplusage to be paid to the province treasurer.

[Sect. 14.] That if the sum raised by virtue of this act shall be more than sufficient to defrey the charges of the lotteries aforesaid, redeem the manufactory bills, and pay the commissioners aforesaid for their services and expences in settling the affairs of said company, the surplusage shall be paid into the province treasury, for the use of the province.

Commissioners directed.

[Sect. 15.] And the commissioners aforesaid are hereby directed to forbear issuing any assessment against said partners, during the term herein before limited for finishing said lottery or lotteries, unless by order of this court. [*Passed February* 13; *published February* 14, 1760.

CHAPTER 26.*

AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS, WITHIN THIS PROVINCE, HEREAFTER MENTIONED.

Be it enacted by the Governor, Council and House of Representatives in General Court assembled,

Fees established. 1756-57, ch. 30.

[Sect. 1.] That from and after the publication of this act, the establishment of the fees belonging to the several officers hereafter mentioned, in this province, be as followeth; viz[t].,—

JUSTICE'S FEES.

Justice's fees

For granting a writ together with a summons, or original summons, one shilling.

Subpæna, for each witness, a pen[*n*]y halfpenny.

Entring an action or filing a complaint in civil causes, two shil[*lings*][gs].

Writ of execution, one shilling and fourpence.

Filing papers, each, a penny halfpenny.

Taxing a bill of cost, threepence.

Entring up judgment in civil or criminal ca[u]ses, ninepence.

Copy of every evidence, original papers or records, eightpence per page for each page of twenty-eight lines, eight words in a line: if less than a page, fourpence.

* This chapter has been compared with the MS. record in the Secretary's office; and the words and letters in Roman characters, in brackets, are in the record, but not in the printed act.

Each recognizance or bond of appeal, one shilling.

Taking affidavits out of their own courts in order for the trial for any cause, one shilling; and one shilling and sixpence for his travel every ten miles, and so in proportion; his travel to be certified on the affidavit[s];—

in other cases, together with certificates, examining and entring, sixpence;—

in perpetuam, to each justice, one shilling.

Acknowledging an instrument with one or more seals, provided at one and the same time, one shilling.

A warrant, one shilling.

Entring a complaint, making up judgment therein, the same as in civil causes.

For granting a warrant, swearing apprizers, relating to strays, and entring the same, one shilling and sixpence.

CORONER'S FEES.

Coroner's fees.

For serving a writ, summons or execution, and travelling fees, the same as by this act hereafter allowed to sheriffs.

Bail bond, one shilling.

Every trial where the sheriff is concerned, eightpence.

For tending the jury, one shilling.

Taking an inquisition, to be paid out of the deceased's estate, five shillings; if more than one at the same time, seven shillings and sixpence in the whole; if no estate, then, to be paid out of the county treasury, five shillings.

For travelling and expences for taking an inquisition, each day, four shillings.

The foreman of the jury, three shillings; and ten miles accounted a day's travel, one shilling per day;—

every other juror, two shillings and sixpence, and travel the same as the foreman.

The constable, for his expences, summoning the jury and attendance, four shillings per day.

JUDGE OF PROBATE'S AND REGISTER'S FEES.

Judge of probate's, and register's, fees.

For granting administration or guardianship,—

to the judge, three shillings.

To the register, for writing letter and bond of administration and guardianship, two shillings and sixpence.

For granting a guardianship of divers minors to the same person and at the same time: to the judge, for each minor, one shilling and sixpence; to the register, for each letter of guardianship and bond, as before.

Proving a will or codicil; to the judge, three shillings and sixpence; to the register, two shillings and sixpence.

Recording a will, letter of administration or guardianship, inventory or account, of one page, and filing the same, one shilling and threepence;—

for every page more, of twenty-eight lines, of eight words in a line, eightpence.

For copy of a will and inventory, for each page, eightpence.

Allowing accounts, three shillings to the judge.

Decree for settling intestate estates: to the judge, three shillings; for examining such accounts, one shilling.

A citation, ninepence.

A *quietus*: to the judge, one shilling; to the register, one shilling.

Warrant or commission for appri[z][s]ing or dividing estates: one shilling and sixpence to the judge; to the register, one shilling.
Making out commission to receive and examine the claims of creditors to insolvent estates; to the judge, one shilling, to the register, one shilling: for recording, eightpence each page.
Registering the commissioner's report, each page, eightpence.
Making out and ent[e]ring an order upon the administrators for the distribution of the estate; to the judge, one shilling and sixpence, to the register, one shilling.
For proportioning such estate among the creditors, agreeable to the commissioner's return, when the estate exceeds not fifty pounds, three shillings; and, above that sum, four shillings.
For recording the same, eightpence per page.

And be it further enacted,

[Sect. 2.] That whensoever any fees shall be paid in the probate office for the probate of a will and letters testamentary, or for granting letters of administration or letters of guardianship, or for any matter or thing from time to time arising in consequence of such letters testamentary or letters of administration or letters of guardianship, and until the estate upon which they are respectively granted shall be fully settled, a particular account of such fees, before payment, shall, by the register or judge, be set down in writing, and given to the person paying the same; and any such fees, received without being thus ascertained in writing, shall be deemed illegal fees, and the person[s] receiving the same shall forfeit and suffer accordingly.

IN THE SUPERIO[*U*]R COURT.

JUSTICE'S FEES.

Justices of the superior courts, fees.

Entring an action, six shillings and eightpence.
Taking special bail, one shilling and sixpence.
Allowing a writ of error, two shillings.
Allowing a *habeas corpus*, one shilling and fourpence.
Taxing a bill of cost, eightpence.
Attorney's fee, to be allowed in the bill of cost taxed, where the case is tried by a jury, twelve shillings; where it is otherwise, six shillings.
Granting liberty for the sale or partition of real estates, one shilling.
On receiving each petition, one shilling.
Allowance to the party for whom costs shall be taxed, and to witness in civil and criminal causes, one shilling and sixpence per day, ten miles' travel to be accounted a day; and the same allowance to be made to parties, as to witnesses at the inferio[*u*]r courts, courts of sessions and before a justice of the peace.
Granting a writ of protection, one shilling.

CLERK'S FEES.

Clerk's fees.

A writ of rev[ei][*ie*]w, three shillings.
A writ of *scire facias*, two shillings.
A writ of execution, one shilling and sixpence.
A writ of *facias habere possessionem*, two shil[*lings*][gs] and sixpence.
A writ of *habeas corpus*, two shillings.
Copies of all records, each page, of twenty-eight lines, eight words in a line, ninepence; less than a page, sixpence.
Entring each action for trial, four shillings.
Entring each complaint, two shillings.
Each petition ent[e]red and read, one shilling.
Order on each petition granted, one shilling.

Receiving and recording a verdict, one shilling.
Entring a rule of court, ninepence.
Confessing judgment or default, one shilling.
Every action withdrawn or nonsuit, one shilling.
Entring an appearance, sixpence.
Acknowledging satisfaction of a judgment, on record, eightpence.
Examining each bill of cost, eightpence.
Continuing each cause, and entring the same next term, one shilling.
Filing each paper in each cause, one pen[*n*]y halfpen[*n*]y.
Proving a deed in court, and certifying the same, one shilling.
Entring up judgment and recording the same at large, two shillings.
For each *venire*, to be paid out of the county treasuries, respectively, on the justice's certificate, threepence.
Every writ and seal other than before mentioned, two shillings.
Every subpæna, a pen[*n*]y half pen[*n*]y.
Each recognizance, one shilling.
A writ of protection, one shilling.

IN THE INFERIO[*U*]R COURT OF COMMON PLEAS.

JUSTICE'S FEES.

Justices of the inferior courts, fees.

Entring of every action, five shillings and fourpence.
Taxing a bill of cost, sixpence.
Taking a recognizance on appeals, one shilling.
Proving a deed, one shilling.
Attorney's fee, to be allowed in the bill of cost taxed, six shillings.
Granting a writ of protection, one shilling.

IN THE COURT OF GENERAL SESSIONS OF THE PEACE.

Court of general sessions of the peace.

For each day's attendance at the sessions, to be paid out of the fines, two shillings and eightpence.
For granting every licen[s][c]e to retailers and innholders, and taking their recognizance, six shillings in the whole; one-third thereof to the clerk.
Each recognizance in criminal causes, one shilling.

CLERK'S FEES.

Clerk's fees.

Every action ent[e]red, one shilling and fourpence.
Every writ and seal, sixpence.
Every appearance, fourpence.
Entring and recording a verdict, eightpence.
Recording a judgment, one shilling.
Copies of all records, each page of twenty-eight lines, eight words in a line, eightpence.
Every action withdrawn or nonsuit, eightpence.
Every execution, one shilling and fourpence.
Confessing judgment or default, eightpence.
Acknowledging satisfaction of a judgment, on record, eightpence.
Continuing each cause, and entring at the next term, eightpence.
Each recognizance, one shilling.
Examining each bill of cost, sixpence.
Each *venire*, to be paid out of the county treasuries, respectively, by order of the court, threepence.
Writ of *facias habere possessionem*, two shillings.
Filing each paper, one pen[*n*]y.
A writ of protection, one shilling.

FEES FOR REGISTERS.

For each register, exclusive of collector's fee, five shillings. Register's fees.

FEES IN THE SECRETARY'S OFFICE.

Fees for the secretary's office.

For certificates under the province seal, five shillings in the whole; two shillings thereof to the secretary.

For warrants of apprizement, survey, &c., six shillings in the whole; three shillings thereof to the secretary.

For a certificate of naval stores, three shillings in the whole.

For engrossing the acts or laws of the general assembly, six shillings each, to be paid out of the public[k] revenue.

Every commission for the justices of each county, and commission of oyer and terminer, six shillings and eightpence, to be paid out of the publick revenue.

Special warrants or mittimus by order of the governo[u]r and council, each, two shillings and sixpence.

Every commission under the great seal, for places of profit, six shillings and eightpence, to be paid by the person commissionated.

Every bond, three shillings.

Every order of council to the benefit of particular persons, [*two shillings.*]

Every writ for electing [*of*] assemblymen, directed to the sher[r]iff or marshal, under the province seal, five shillings, to be paid out of the public[k] revenue.

For transcribing the acts or laws passed by the general assembly into a book, eightpence per page,—each page to contain twenty-eight lines, eight words in a line, and so proportionably,—to be paid out of the public[k] revenue.

Every commission for military officers, to be paid out of the public[k] treasury, two shillings.

CLERK-OF-THE-SESSIONS' FEES.

Clerk-of-the sessions' fees.

Ent[e]ring a complaint or indictment, one shilling and fourpence.

Discharging a recognizance, eightpence.

Each warrant for criminals, one shilling.

Every [warrant] [*summons*] or subpæna, twopence.

Every recognizance for the peace or good behaviour, one shilling.

[*For every other recognizance, one shilling.*]

Ent[e]ring up judgment, or entring satisfaction of judgment, on record, one shilling.

Warrant for county tax, one shilling.

For minuting the recei[p]ts of each petition, and order thereon, and recording, eightpence per page, as before.

Examining and casting the grand jury's accounts, yearly, and order thereon, to be paid by the county treasurer by order of the court of sessions, one shilling and sixpence.*

For copies of all records or original papers, eightpence per page, as before.*

For filing each paper, one pen[n]y.

For transmitting to the selectmen of every town in the county a list of the names of the persons in such town licen[s][c]ed the year before, threepence, to be paid by each person licen[s][c]ed, and no more.

SHERIFF'S OR CONSTABLE'S FEES.

Sheriff's or constable's fees.

For the service of an original summons, or *scire facias*, on one defendant, for trial, either by reading the same, or by copy, one shilling:

* These items are repeated, in the record.

if served on more than one defendant, then for each [*other*] defendant so served, one shilling.

For service of a *capias*, or attachment, on one defendant, without a summons, one shilling and fourpence: if served in like manner on more than one defendant, then for each other so served, one shilling and fourpence.

For service of an attachment and summons on one defendant, both together, one shilling and fourpence: if so served on more than one defendant, then for each other defendant, so served, one shilling and fourpence.

For a bail bond, to be paid by the person or persons admitted to bail, one shilling.

For serving an *habere facias possessionem*, exclusive of the poundage on the costs of court, six shillings.

For the costs on an *habere facias*, the same poundage as in personal actions.

For levying executions in personal actions; viz[t]., for the first twenty pounds, or under, ninepence per pound; above that, not exceeding forty pounds, fourpence per pound; above that, not exceeding one hundred pounds, twopence per pound; for all above one hundred pounds, one pen[*n*]y per pound.

For travel, for the service of each execution or mean process to him directed, twopence per mile; the travel to be computed from the place of service to the court where the writ or execution shall be returned, by the way that is most commonly used; but one travel to be allowed to one writ or execution: and if the same be served on more persons than one, the travel to be computed from that place of service that is the remotest to the place of return; the travelling fees and fees of service to be endorsed by the sheriff, or his deputy, on each mean process or execution; and shall receive no more than he endorses.

For serving an execution, upon a judgment of court, for partition of real estates, to the sheriff, five shillings per day; and for travel and expences, threepence per mile out from the place of his abo[a]d[*e*]: and to each juror, two shillings per day; and for travel and expences, threepence per mile.

Every trial, eightpence.

Every default, fourpence.

For making out every precept for the choice of representatives, sending the same to the several towns, and returning it to the secretary's office, one shilling and fourpence; to be paid out of the county treasur[y'][*ie*]s, respectively.

To the officer attending the grand jury, each day, two shillings.

To the officer attending the petit jury, one shilling every cause.

For dispersing *venires* from the clerk of the superio[*u*]r court, and the province treasurer's warrants, fourpence each.

For dispersing proclamations, sixpence each.

For the encouragement [*un*]to the sheriff to take and use all possible care and diligence for the safe keeping of the prisoners that shall be committed to his custody, he shall have such salary allowed him for the same as the justices of the court of general sessions of the peace within the same county shall think fit and order; not exceeding ten pounds per annum for the county of Suffolk, and not exceeding five pounds per annum, apiece, for the counties of Essex and Middlesex, and not exceeding three pounds per annum, apiece, in each of the other counties within the province: to be paid out of the treasury of such county.

CRYER'S FEES.

Crier's fees.

Calling a jury, fourpence.
A default or nonsuit, eightpence.
A verdict, eightpence.

TO THE CAPTAIN OF CASTLE WILLIAM.

Captain-of-the-Castle's fees.

For a pass to the castle for each vessel, two shillings in the whole: wood-sloops and other coasting vessels, for which passes have not [*been*] usually [been] required, excepted.

GOALER'S FEES.

Gaoler's fees.

For turning the key on each prisoner committed, three shillings; viz., one shilling and sixpence in, and one shilling and sixpence out.
For dieting each person, for a week, three shillings.

MESSENGER OF THE HOUSE OF REPRESENTATIVES.

Messenger of the house of representatives, fees.

For serving every warrant from the house of representatives, which they may grant for arresting, imprisoning, or taking into custody any person, one shilling and sixpence.
For travel, each mile out, twopence per mile.
For keeping and providing food for such person, each day, one shilling and sixpence.
For his discharge or dismission, one shilling and sixpence.

GRAND JURORS' FEES.

Grand-jurors' fees.

Foreman, per day, two shillings and sixpence.
Each other juror, two shillings.

PETIT JURORS' FEES.

Petit-jurors' fees.

To the foreman, in every cause at the superio[*u*]r and inferio[*u*]r courts, or sessions, two shillings and sixpence.
To every other juror, one shilling and sixpence.

FOR MARRIAGES.

Fee for marriages.

For each marriage, to the minister or justice officiating, four shillings.
For recording it: to the town clerk, to be paid by the minister or justice, fourpence; and to the clerk of the sessions, to be paid by the town clerk, twopence.
To the town clerk, for every publishment of the banns of matrimony, and entring thereof, one shilling.
Every certificate of such publishment, sixpence.
Recording births and deaths, each, twopence.
For the certificate of the birth or death of any person, threepence.

COUNTY REGISTER'S FEES.

County register's fees.

For entring or recording or copying any deed, conveyance or mortgage, for the first page, ninepence; and eightpence per page for so many pages more as it shall contain, accounting after the rate of twenty-eight lines, of eight words in a line, to each page; and proportionately for so much more as shall be under a page; and threepence for his attestation on the original, of the time, book and folio where it is recorded: the fees to be paid at the offer-[r]ing the instrument;—
and for a discharge of a mortgage, eightpence.

And be it further enacted,

Penalty for taking excessive fees.

[Sect. 3.] That if any person or persons shall demand or take any greater fee or fees, for any of the services aforesaid, than is by this law

provided, he or they shall forf[i]eit and pay to the person or persons injured, the sum of ten pounds for every offence, to be recovered in any court proper to hear and determine the same.

Limitation. [SECT. 4.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the next session of the general court, and no longer. [*Passed February* 13; *published February* 14, 1760.*

CHAPTER 27.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.†

WE, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the publick debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted,—

And be it accordingly enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty, to the twenty-sixth day of March, one thousand seven hundred and sixty-one, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz[t].,—

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum, containing one hundred gallons, eight shillings.

For every hogshead of sugar, fourpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, one shilling.

—And so, proportionably, for a greater or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings value, excepting such goods as are the product or manufacture of Great Britain.

[SECT. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize (excepting tea, which shall pay only one shilling) that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of the said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided always*, that everything which is the growth or produce of the provinces or colonies aforesaid (tobacco and bar-iron excepted), and all provisions, salt, cotton-wool, pig-iron, mohogony, brazilleto, black-walnut, lignum-vitee, red-cedar,

* According to the contemporary edition; but March 29, according to the edition of 1763.

† From the original bill in the state archives, vol. 66, pp. 25–44.

logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

And be it further enacted,

[Sect. 3.] That all goods, wares and merchandize, the property of any of the inhabitants of any of the neighbouring provinces or colonies on this continent, that shall be imported into this province, and shall have paid, or on which there shall have been secured to be paid, the duty of impost, by this act provided to be paid, and afterwards shall be exported and landed in any of the said provinces or colonies on this continent, then and in such case the exporter, producing a certificate from some officer of his majesty's customs, that the same hath been landed in some of the provinces or colonies aforesaid, shall be allowed a drawback of the whole duty of impost by him paid, or secured to be paid, as by this act provided.

And be it further enacted,

[Sect. 4.] That the master of every ship or vessel coming into this province from any other place, shall, within twenty-four hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner aforesaid, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantities of all wines, liquors, goods, wares and merchandize imported in such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that, if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he will forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

[Sect. 5.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

[Sect. 6.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make an entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in form following; viz^{t}.,—

You, A. B., do swear that the entry of the goods and merchandize by you now made, exhibits the sterling value of said goods, and that, *bonâ fide*, according to your best skill and judgment, it is not less than that value. So help you God.

—which oath the commissioner or receiver, appointed in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay to the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

[Sect. 7.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any

wharf, or in any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 8.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consign'd, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless, —

[SECT. 9.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds; which credit shall be so limited as that he shall settle and ballance his accompts with every person, on or before the twenty-sixth day of March, one thousand seven hundred and sixty-one, that the said accounts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry to what value soever.

And be it further enacted,

[SECT. 10.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fifth day of March, one thousand seven hundred and sixty, and until the twenty-sixth day of March, one thousand seven hundred and sixty-one, by land-carriage or in small vessels and boats, shall make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put into any store or place whatsoever.

And be it further enacted,

[SECT. 11.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 12.] And if it may be made to appear that any wine imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

And be it further enacted,

[SECT. 13.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or

persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize, imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

[Sect. 14.] That the commissioner or receiver of the impost, in each port, shall be and hereby is impowered to sue the master of any ship or vessel for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entered, and the duty of impost therefor not paid, or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

[Sect. 15.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost has not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutors or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto his owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

[Sect. 16.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or

vessel, outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

[SECT. 17.] And the commissioner or receiver of impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

And for the more effectual preventing any wines, rum or other distilled spirits being brought into the province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterward brought into the government again, to defraud the government of the duties of impost, —

Be it enacted,

[SECT. 18.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impowered and enjoyned to, appoint one suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are also impowered to search, in all suspected places, for such wines, rum or distilled spirits, or tea, brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the end and uses as in this act is hereafter provided.

And be it further enacted,

[SECT. 19.] That the commissioner or his deputies shall have full power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

And be it further enacted,

[SECT. 20.] That if the said commissioner, or his deputy, shall have information of any wines, rum or other distilled spirits, or tea, being brought into and landed in any place in this province, for which the duties aforesaid shall not have been paid after their being brought into or relanded in this government, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said commissioner or his deputy's making oath that he hath had information as aforesaid; and having such warrant, and being attended by such officer, the said commissioner or his deputy may, in the daytime, between sunrising and sunsetting, demand admittance of the person owning or occupying such place, and, upon refusal, shall have right to break open such place; and, finding such liquors or tea, may seize and take the same into his own custody; and the commissioner aforesaid, or his deputy, shall be and hereby is impowered to command assistance, and impress carriages necessary to secure the liquors or tea seized as aforesaid; and any persons refusing assistance, or preventing any of the said officers from executing their office, shall forfeit five pounds to the said commissioner; and he or his deputy shall make reasonable satisfaction for the assistance afforded, and carriages made

use of, to secure the liquors or tea seized as aforesaid; and the commissioner or his deputy shall then file an information of such seizure in the inferiour court of common pleas for the county wherein such seizure shall be made, which court shall summon the owner of such liquors or tea, or the occupier of such shop, house or warehouse, or distill-house, where the same were seized, to appear and shew cause, if any he has, why such liquors or tea so seized shall not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or shall make default, the said liquors or tea shall be adjudged forfeited, and the said court shall order them to be sold at publick vendue; and the nett produce of such sale shall be paid, one half to the province treasurer for the use of this province, and the other half to the said commissioner.

And be it further enacted,

[Sect. 21.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jersey, Connecticut, New York, New Hampshire and Rhode Island), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the uses and ends aforesaid.

[Sect. 22.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessel, before she shall be cleared, in case she shall appear to be of a greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

[Sect. 23.] That when and so often as any wine, rum or tea, imported into this province, the aforesaid duty of impost upon which shall have been paid agreeable to this act, shall be reshipped and exported from this government to any other part of the world, that then, and in every such case, the exporter of such wine or rum or tea shall make oath at the time of shipping, before the receiver of impost, or his deputy, that the whole of the wine or rum or tea so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government, — or otherwise, in case such rum or wines or tea shall be exported to any place where there is no officer of the customs, or to any foreign port, the master of the vessel in which the same shall be exported shall make oath that the same has been landed out of the government, and the exporter shall, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines, rum or tea has been relanded in this province, — such exporter shall be allowed a drawback from the receiver of impost as follows; viz^{t}., —

For every pipe of wine, nine shillings.

For every hogshead of rum, seven shillings and sixpence.
And for every pound of tea, one shilling.
Provided, always,—

[SECT. 24.] That if, after the shipping of such wines or rum or tea, to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wine or rum or tea so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so relanded and brought again into this province, shall be forfeited, and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

[SECT. 25.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereto, to receive commission from the governour or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and tunnage of shipping as aforesaid that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and tunnage arising on the said vessel may appear; and the same to lie open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver and his deputy or deputies, before their entering upon the execution of their said office, shall be sworn to deal truly and faithfully therein, and shall attend in the said office from ten of the clock in the forenoon, until one in the afternoon.

[SECT. 26.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary, for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

[SECT. 27.] That all penalties, fines and forfeitures accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

[SECT. 28.] That from and after the commencement of this act, in all causes wherein any claimer shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed February* 13, 1760.

CHAPTER 28.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED, AND WINE, AND UPON LIMES, LEMMONS AND ORANGES.

Preamble.

We, his majesty's most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous to lessen the present debt of the province, have chearfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the end and use above mentioned, and for no other use, an excise upon all rum and other spirits distilled, and upon all wines whatsoever, and upon lemmons, limes and oranges, to be raised, levied and collected, and paid in manner and form following: —

And be it accordingly enacted by the Governour, Council and House of Representatives,

Time of this act's continuance.

[Sect. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty, and until the twenty-sixth day of March, one thousand seven hundred and sixty-two, every person already licenced, or that shall be hereafter licenced, to retail rum or other spirits distilled, or wine, shall pay the duties following: —

For every gallon of rum and spirits distilled, eightpence.

For every gallon of wine of every sort, twelvepence.

For every hundred of lemmons or oranges used and consumed in making punch, or otherwise for sale by taverners and innholders only, eight shillings.

For every hundred of limes used and consumed in making punch, or otherwise for sale by taverners and innholders only, three shillings.

—And so proportionable for any other quantity or number.

And be it further enacted,

Accounts to be taken.

[Sect. 2.] That every retailer of rum, wine or spirits distilled, taverner, innholder and common victualler, shall, on the twenty-sixth day of March, one thousand seven hundred and sixty, take a just and true account, in writing, of all wine, rum and spirits distilled then by him or her, or in his or her possession; and that every person who shall be hereafter licenced to be taverner, innholder, common victualler and retailer of wine, rum or spirits distilled, shall take a like account of all wine, rum and other spirits distilled by him or her, or in his or her possession, at the time of such licence granted; and * every taverner, innholder, common victualler and retailer of rum, or other spirits distilled, or wine, shall make a fair entry, in a book by them respectively to be kept for that purpose, of all such rum, or other spirits distilled, or wine, as he or she, or any person or persons for him or her, shall buy, distill, take in or receive, after such first account taken, and when and of whom the same was bought and taken in; and at the expiration of every half-year shall take a just and true account how much thereof then remains by them; and shall, in writing, under their hands, render to him or them that shall collect the duties aforesaid the whole of those several accounts, and shall also make oath, in the form following, before such collector or collectors, who are hereby impowered to administer the same: —

Form of the oath.

You, A. B., do swear that the account by you now rendered is, to the best of your knowledge, a just and true account of all wines, rum and distilled spirits you had by you, or in your possession, on the twenty-sixth day of March, one thousand seven hundred and sixty, and also of all the wine, rum and other

* "That," omitted?

distilled spirits bought, distilled, taken in or received by you, or by any person or persons for or under you, or by or with your knowledge, allowance, consent or connivance, and that there still remains thereof in your possession, unsold, so much as is in this account said to remain by you unsold; and that you do not know or believe that there has been by you, or by any other person or persons for or under you, or by your or their order, allowance, consent or connivance, either directly or indirectly, sold, used or consumed, any wine, or any liquor for, or as, wine; any rum or distilled spirits, or liquor for, or as, rum or distilled spirits; or that there has been any limes, lemmons or oranges by you, or by any person or persons for or under you, or by your order, consent, allowance or connivance, used in making punch, or otherwise for sale, since the said twenty-fifth day of March, one thousand seven hundred and sixty, besides what is contained in the account by you now rendered. So help you God.

Penalty for collectors receiving accounts without oath.

—and every collector of the excise who shall receive any account from any person in consequence of this act, without their making oath to the same, as aforesaid, shall forfeit and pay for the use of the government the sum of twenty pounds.

[SECT. 3.] And for every person that was not licenced on the same twenty-fifth day of March, the form of the oath shall be so varied as that instead of expressing the day aforesaid, the time of taking and rendering their last accounts shall be inserted and used; and for every person rendering an account after the first, the oath shall be so varied as that instead of expressing the day aforesaid, the time of taking and rendering their last accounts shall be inserted and used.

Oath to be varied.

Duties to the collector.

[SECT. 4.] And every such taverner, innholder, retailer and common victualler shall pay the duties aforesaid to him or them that shall collect the same, on the whole of the several articles mentioned in such account rendered, *saving only* for such part thereof as remains in their hands unsold: *provided, nevertheless*, that for leakage, &c., ten per cent shall be allowed them on all liquors in such account mentioned, besides what remains in their hands unsold.

Ten per cent allowed for leakage.

And be it further enacted,

Taverners, &c., to give bond.

[SECT. 5.] That every person hereafter licenced to be a taverner, innholder, common victualler or retailer of any wine, rum or spirits distilled shall, within thirty days after such licence granted, and before he or she sell by virtue of the same, not only become bound to keep good rule and order, as by law is already required, but shall also become bound, with sufficient sureties, by way of recognizance, to his majesty, for the use of this government, in a sufficient sum, to be ordered by the court that grants the licence, which sum shall not exceed three hundred pounds nor be less than fifty pounds, conditioned that they shall keep and render the accounts aforesaid, and pay the duties aforesaid, as in and by this act is required.

And be it further enacted,

Forfeiture for neglect in keeping and rendering accounts.

[SECT. 6.] That every such taverner, innholder, common victualler and retailer, who shall neglect or refuse to take, keep and render such accounts as by this act are required, or that shall neglect or refuse to take the oath aforesaid, shall forfeit and pay, to him or them that shall collect the duties aforesaid, double the sum which the court of general sessions of the peace in that county shall adjudge that the duties of excise upon the liquors, limes, lemmons and oranges by such taverner, innholder, common victualler or retailer, or by any for, by or under him or them, sold, used or consumed would have amounted to; and no persons shall be licenced by the justices of the general sessions of the peace, who have not accounted with the collector, and paid him the excise aforesaid, due from such person at the time of his or her taking or renewing his licence.

Preamble.

And whereas, notwithstanding the laws made against selling strong

drink without licence, many persons, not regarding the penalties of said acts, do receive and entertain persons in their houses, and sell great quantities of spirits and other strong drink, without licence; by reason whereof great debaucheries are committed and kept secret, and such as take licences and pay the duties of excise therefor are greatly wronged, and the government thereby defrauded,—

Be it therefore enacted,

Forfeiture for selling without license.

[Sect. 7.] That if any distiller, importer or any other person whatsoever, after the said twenty-fifth day of March, shall presume, directly or indirectly, to sell any rum, or other distilled spirits, or wine, in less quantity than twenty-five gallons, or any beer, ale, cyder, perry or other strong drink, in any quantity less than ten gallons, without licence first had and obtained from the court of general sessions of the peace in that county, and recognizing in manner as aforesaid, shall forfeit and pay for each offence the sum of four pounds and costs of prosecution, two-thirds for the use of the government, and the other third for the prosecutor; and all such as shall neglect or refuse to pay the fine aforesaid shall stand closely committed in the common goal of the county, and not have the liberty of the goaler's house or yard, until said sum of four pounds is paid, with costs; and any goaler giving liberty contrary to this act, shall forfeit and pay the said sum of four pounds, to be disposed of in manner aforesaid, and costs of prosecution.

Preamble.

And whereas some doubts have arisen whether the lending or delivering rum, brandy or other spirits distilled, or wine, to others, for their use, upon agreement or confidence of having the like liquors returned again, be a sale thereof; wherefore, for removing all such doubts,—

Be it enacted,

Liquors lent or delivered on certain consideration, to be deemed a sale.

[Sect. 8.] That all rum, brandy and other spirituous liquors, and wine, lent or delivered to others for their use, upon such like consideration, is, and shall be deemed and taken to be, an absolute sale thereof; and that every person not licenced as aforesaid, that shall order, allow, permit or connive at the selling any rum, brandy or other distilled spirits, or wine, contrary to the true intent and meaning of this act, by his or their child or children, servant or servants, or any other person or persons in or belonging to his or her house or family, shall be deemed and taken to be the seller of such liquors, and be subject to the aforesaid pains and penalties provided against such offenders, and shall be recovered in like manner: *provided*, that if it shall be made to appear that the liquors lent or delivered as aforesaid shall have had the duties paid upon them, or were purchased of any person or persons having licence or permit, the person lending or delivering the same, as aforesaid, shall not be subject to the aforesaid pains and penalties.

Proviso.

Preamble.

And whereas divers other persons than those licenced to sell rum and other distilled spirits by retail, have heretofore supplied persons employed by them in the fishery, building vessels, and in other business, with rum and other liquors, without paying any excise thereon, and thereby have defrauded the government of the duty of excise, and have not been subject to the penalty provided by law against selling drink without licence, and the same practice will probably be continued, unless effectual care be taken to prevent the same,—

Be it therefore further enacted,

Persons not licensed supplying those employed by them in the fishery, &c., with spirituous liquors to be deemed sellers.

[Sect. 9.] That all persons not licenced as aforesaid, who hereafter shall by themselves, or by any other person or persons under them, or by their orders, allowance or connivance, supply any person or persons employed by them in the fishery, building of vessels, or any other business or employ, with rum or any other distilled spirits, or wine, shall be deemed and taken to be sellers of such liquors, and be subject

to the aforesaid pains and penalties provided against persons selling any of the liquors aforesaid without licence, and shall be recovered in like manner, unless they make it appear that such wine, rum or other distilled spirits, was purchased of a taverner, innholder or retailer, or other person or persons that had licence or permit to sell the same.

And be it further enacted,

One witness sufficient for conviction.

[SECT. 10.] That, when any person shall be charged with selling strong drink without licence, one witness produced to the satisfaction of the court or justice before whom the trial is, shall be deemed sufficient for conviction. And when and so often as it shall be observed that there is a resort of persons to houses suspected of selling strong drink without licence, any justice of the peace in the same county shall have full power to convene such persons before him, to examine them upon oath concerning the persons suspected of selling or retailing strong drink in such houses, outhouses or other dependencies thereof; and if upon examining such witnesses, and hearing the defence of such suspected person, it shall appear to the justice there is sufficient proof of the violation of this act by selling strong drink without licence, judgment may thereupon be made up against such person, and he shall forfeit in like manner as if process had been commenced by action or information before the said justice; or otherwise the said justice may bind over the person suspected, and the witnesses, to the next court of general sessions of the peace for the county where such person shall dwell.

And be it further enacted,

Penalty for selling strong drink to negroes, mulattoes, &c.

[SECT. 11.] That when and so often as any person shall be charged with selling strong drink without licence to any negro, indian or molatto slave, or to any child or other person under the age of discretion, and other circumstances concurring, it shall appear to be highly probable in the judgment of the court or justice before whom the trial shall be, that the person complained of is guilty, then, and in every such case, unless the defendant shall acquit him- or herself upon oath (to be administred to him or her by the court or justice that shall try the cause), such defendant shall forfeit and pay four pounds, one third to the informer, the other two thirds to the collector of excise for the use of the government, and costs of prosecution; but if the defendant shall acquit him- or herself upon oath as aforesaid, the court or justice may and shall enter up judgment for the defendant to recover costs.

And be it further enacted,

Penalty on persons refusing to give evidence.

[SECT. 12.] That if any person or persons shall be summoned to appear before a justice of the peace, or the grand jury, to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace, or other court proper to try the same, to give evidence on the trial of any person informed against, presented or indicted for selling strong drink without licence, and shall neglect or refuse to appear, or to give evidence in that behalf, every person so offending shall forfeit the sum of twenty pounds and cost of prosecution; the one half of the penalty aforesaid to be to his majesty for the use of the province, and the other half to and for the use of him or them who shall sue for the same as aforesaid. And when it shall so happen that witnesses are bound to sea before the sitting of the court where any person or persons informed against, for selling strong drink without licence, is or are to be prosecuted for the same, in every such case, the deposition of any witness or witnesses, in writing, taken before any two of his majesty's justices of the peace, *quorum unus*, and sealed up and delivered into court, the adverse party having first had notice, in writing, sent to him or her, of the time and place of caption, shall be esteemed as sufficient evidence, in the

law, to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of trial, and given his, her or their deposition *viva voce;* and every person or persons who shall be summoned to give evidence before two justices of the peace, in manner as aforesaid, and shall neglect or refuse to appear, or to give evidence relating to the facts he or she shall be enquired of, shall be liable and subject to the same penalty as he or she would have been, by virtue of this act, for not appearing, or neglecting or refusing to give his or her evidence before the grand jury or court aforesaid.

And be it further enacted,

How fines, &c., are to be recovered.

[Sect. 13.] That all fines, penalties and forfeitures arising by this act shall and may be recovered, by action or information, before any court of record proper to try the same; and, where the sum forfeited doth not exceed four pounds, by action or information before any one of his majesty's justices of the peace in the respective counties where such offence shall be committed: which said justice is hereby impowered to try and determine the same. And said justice shall make a fair entry or record of all such proceedings: *saving, always*, to any person or persons who shall think him-, her- or themselves aggrieved by the determination of said justice, liberty of appeal therefrom to the next court of general sessions of the peace to be holden for and within said county, at which court such offence shall be finally determined: *provided*, that in the same appeal the same rules be observed as are already required by law, in appeals, from justices, to the court of general sessions of the peace: *saving, only*, that the recognizance for prosecuting the appeal shall be eight pounds.

And be it further enacted,

Collector to settle accounts.

[Sect. 14.] That every collector shall settle all accounts relating to said excise in the several towns of the county where he is collector, first giving seasonable and publick notice of the time and place or places where said business shall be transacted.

And be it further enacted,

Collectors of the excise to be appointed by the general court.

[Sect. 15.] That there be one or more collectors in each county appointed by the general court, — or courts of general sessions of the peace, where it shall happen that such collector refuse to accept said office, or be removed by death, or for mismanagement, — to take charge of this duty of excise, who shall have full power to inspect the houses of all such as are licenced, and of such as are suspected to sell without licence, which collector shall be upon oath to take care of the execution of this law, and to prosecute the breakers of it.

[Sect. 16.] And every collector of the excise in any county may substitute and appoint one or more deputy or deputies under him, upon oath, to collect and receive the excise aforesaid which shall become due in said county, and pay in the same to such collector, which deputy and deputies shall have, use and exercise all such powers and authorities as in and by this act are given or committed to the collector for the better collecting the duties aforesaid, or prosecuting offenders against this act; for the doings of such deputies, the collectors, respectively, shall be accountable.

[Sect. 17.] And the said collectors shall carefully examine the accounts of every licenced person in their respective counties, and demand, sue for and receive the several sums due from them by this act, and shall give in the name of every licenced and permitted person, and an account under their hands of the particular sums they receive, and of whom received, unto the treasurer, upon oath: which oath the treasurer is hereby impowered and directed to administer in the words following; viz., —

Form of the oath.

You, A. B., do swear that this is a just and true account of the excise upon all wines, rum and distilled spirits, limes, lemmons and oranges, by you received or secured to be paid you in the county of ; and that the persons by whom such excise was paid or secured to be paid to you, were sworn in manner and form as by law is prescribed. So help you God.

Collectors to give two receipts for every sum received.

[SECT. 18.] And at the time of receiving any money, the said collector shall give two receipts, of the same tenor and date, mentioning what sum or sums they have received from any taverner, innholder, common victualler or retailer; one of which receipts to be, by the said taverner, innholder, common victualler or retailer, returned to the court of general sessions of the peace within their respective counties, at the next session of such court, and the clerks of said court shall, within twenty days after receipt thereof, transmit the same to the treasurer or receiver-general.

Collectors' fees.

[SECT. 19.] And such collectors shall pay in to the public treasury of this province all such sums as they shall receive, within six months from the date of their commission; and so from time to time within the space of the six months, as long as they shall continue in such office, on pain of forfeiting the reward given such collectors by this act, who shall be allowed, in the county of Suffolk, two and an-half per cent, in the counties of Essex and Middlesex and Plymouth, two per cent, and in the other counties three per cent, on all money by them collected and paid into the treasury as aforesaid: each collector before he enters into the said office to give bond, for treble the sum that it was farm'd for, in the respective counties, in the year one thousand seven hundred and fifty-seven, to the treasurer of this province for the time being, and his successors in said office; which bond shall be executed before the next court of general sessions of the peace, in the respective counties, after such appointment, where the said collectors live, or before two of his majesty's justices of the peace in the respective counties, one to be of the *quorum:* one of the said justices to return the certificate to the clerk of the sessions within thirty days, as aforesaid, and be transmitted to the treasurer of the province by the clerk of the peace within such county, within three months after the bond is executed; and the said treasurer shall put in suit the bonds of all such collectors who shall neglect to make due payment within fifty days after either of the times of payment.

Bond to be given to the treasurer for treble the sum that the excise was farmed for.

And be it further enacted,

Penalty for collectors or deputies offending.

[SECT. 20.] That in case any collector of the excise as aforesaid, or his deputy, shall, at any time during their continuance in that office, wittingly and willing connive at, or allow any person or persons in their respective divisions, not licenced by the court of general sessions of the peace, their selling any wine, rum or other liquors by this act forbidden, such collector or deputy, for every such offence, shall forfeit the sum of fifty pounds and costs of prosecution; one half of the penalty aforesaid to be to his majesty for the use of this province, the other half to him or them that shall inform and sue for the same, and shall be thenceforward forever disabled from serving in said office: *saving*, that said collector may give a permit to any person to sell rum or other spirits distilled, or wine, in quantity from twenty-five gallons and upwards, agreeable to this act.

Proviso.

Provided, always, and it is the true intent and meaning of this act, —

[SECT. 21.] That if any taverner or retailer shall sell to any other taverner or retailer any quantity of whatever distilled liquors and wine, such taverner or retailer, selling as aforesaid, shall not be held to pay such duty, but the taverner or retailer who is the purchaser shall pay the same; and the seller as aforesaid, shall and hereby is required to deliver to the collector of this duty a true account of such liquors sold as aforesaid, and to whom sold.

And to the end that the revenue arising from the excise upon spirituous liquors may be increased and raised with more equality, —

Be it enacted,

Duties to be paid upon all liquors imported or manufactured.

[Sect. 22.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty, to the twenty-sixth day of March, one thousand seven hundred and sixty-two, upon all rum and other distilled spirits, and all wine, imported and manufactured, and sold for consumption within this province, there be laid and hereby is laid the duty of excise following; viz., —

For every gallon of rum and spirits distilled, eightpence;

For every gallon of wine of every sort, one shilling: to be paid to the collector of excise, or his deputy, by every person having permit to sell the said liquors in each county respectively.

And be it further enacted,

Liquors not to be sold by the importer, &c., without a permit.

[Sect. 23.] That every person that shall import any of the liquors aforesaid, or to whom any of them shall or may be consigned, shall be and hereby is prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his deputy. And every person distilling or manufacturing any of the said liquors, and every person owning or possessing any of them, excepting such as are or may be licenced by the court of general sessions of the peace, as aforesaid, shall be and hereby are prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his deputy, on forfeiture of fifty pounds and of the value of the liquors so sold; and the said permit shall express the particular county where the said liquors shall be permitted to be sold; and if any person who shall have such permit shall sell and deliver, or cause to be sold and delivered, any of the liquors aforesaid from any other county not mentioned in such permit, he shall forfeit four pounds, to be paid, one third to the prosecutor, and the other two thirds to the collector, for the use of this government.

Proviso.

Provided, nevertheless, —

[Sect. 24.] That the impost officer, and his deputy, shall be and hereby are respectively impowered to grant a permit for selling the liquors aforesaid, or any of them, to any person applying for the same, until a collector be appointed in each county, respectively, to whom the duty of excise shall be paid as aforesaid, and until the collector shall give public notice of his appointment as aforesaid. And the said impost officer, and deputy, shall transmit to the collector of each county an account of the permits by each of them respectively granted to persons living in such county.

And be it further enacted,

Collector applying to a justice for a warrant may search for liquors supposed to be concealed.

[Sect. 25.] That if the said collector or his deputy shall have information of any place where any of the liquors aforesaid shall have been sold by any person not having permit, as aforesaid, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said collector or deputy's making oath that he hath had information as aforesaid, and that he hath just cause to suspect the liquors aforesaid, or some of them, have been sold at such place informed of as aforesaid; and having such warrant, and being attended by such officer, the said collector, or his deputy, may, in the day-time, between sun-rising and sun-setting, demand admittance, of the person owning or occupying such place, and upon refusal shall have right to break open said place, and finding such liquors, may seize and take the same into his own custody; and the collector aforesaid, or his deputy, shall be and hereby is impowered to command assistance and impress carriages necessary to secure the liquors seized as aforesaid; and per-

sons refusing assistance, or preventing said officers from executing their office, shall forfeit five pounds to his majesty, for the use of the province, and the said collector, or his deputy, shall make reasonable satisfaction for the assistance afforded, and carriages made use of, to secure the liquors seized as aforesaid; and the collector, or his deputy, shall then file an information of such seizure in the inferiour court of common pleas for the county wherein such seizure shall be made: which court shall summon the owner of such liquors, or the occupier of the shop, house, warehouse or distil-house where the same were seized, to appear and shew cause, if any he hath, why the said liquors so seized should not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or make default, the said liquors shall be adjudged forfeited, and the said court shall order them to be sold at public vendue, and the neat produce of such sale shall be paid, one third to the prosecutor, the other two thirds to the collector, for the use of this government.

Provided, —

Proviso.

[SECT. 26.] That if the liquors seized as aforesaid be less in quantity than one hundred gallons, the collector, or his deputy, shall file an information thereof with one of the justices of the peace within the county where the seizure shall be made, who shall summon the owner or occupier aforesaid in manner as aforesaid; and if such owner or occupier shall not shew cause, or make default as aforesaid, he shall adjudge such liquors forfeited, and shall order them to be sold as aforesaid, and the neat-produce of such sale to be disposed of as aforesaid: *saving* to the person convicted liberty of appeal, he entring into recognizance to the king, for the use of the province, in the sum or fifty pounds.

And be it further enacted,

Persons having permit as aforesaid to render an account to the collector at the end of every half-year, *saving*, &c.

[SECT. 27.] That every person having permit as aforesaid, shall, at the end of each half-year, respectively, from the twenty-fifth day of March, one thousand seven hundred and sixty, be ready to render to the collector aforesaid, or his deputy, an account, on oath, of all the liquors aforesaid by him or her, or any person or persons in his or her behalf, sold; and also of all the aforesaid liquors by him or her imported, distilled or manufactured, or which have come into his or her possession, since the twenty-fifth day of March aforesaid, except the same were bought of a licenced person in a quantity less than twenty-five gallons, which in his or her family have been consumed or expended within each half-year, respectively; which account shall express the number of gallons, of each kind, of the liquors so sold and consumed; and shall pay therefor to the said collector or his deputy the duty aforesaid, excepting for so much as shall have been sold to taverners, innholders or retailers, having licence from the sessions as aforesaid, or to any other persons having permit as aforesaid, and so much as shall have been exported out of this province; and if any of said liquors shall have been sold to persons licenced by the sessions, or to persons having permit, said account shall exhibit the names of such licenced persons who purchased, and persons having permit, and time when they purchased the same; and the persons accounting shall exhibit a certificate under the hand of the licenced or permitted person purchasing, which shall express the number of gallons, and the kind of the liquors purchased, and the time when the same was purchased, and the name of the town and county wherein such licenced or permitted person lives, and shall lodge the said certificate with the said collector or his deputy; and for the quantity of the said liquors mentioned in such certificate, the said collector or his deputy shall not demand any duty, but shall deliver said certificate to the collector of the county wherein

such licenced or permitted persons, signing the same, lives: which last-mentioned collector or his deputy shall settle with such licenced or permitted person for the duty aforesaid which may be due from him or her.

Persons having permit as aforesaid to give an account of liquors sent out of the province.

[Sect. 28.] And if any person having a permit or licence as aforesaid, shall ship or export any of the liquors aforesaid out of this province in a quantity not less than thirty gallons, and shall make an entry thereof with the collector aforesaid, or his deputy, and shall produce to such collector or his deputy, when he comes to settle his account of excise, one of the receipts or bills of lading given therefor by the master of the vessel on board which such liquors shall be shipped (or if it shall be carried out of the province by land, or in small boats, then of the person who is master of the land-carriage or boat), expressing the quantity thereof and the time of their being shipped, and shall lodge such receipt or bill of lading with the collector or his deputy aforesaid, and at the same time shall swear that such liquors are *bonâ fide* sent, or intended to be sent, out of the province, he or she shall not be held to pay the duty thereon aforesaid.

Persons not having permit to render an account, &c.

[Sect. 29.] And if any person not having permit or licence shall purchase for exportation out of this province any of said liquors, in a quantity not less than thirty gallons, of a person having permit or licence, the purchaser shall make entry with the collector or his deputy, and at the same time swear that such liquors are *bonâ fide* sent, or intended to be sent, out of this province, and shall, within ten days after shipping the same, deliver one of the receipts or bills of lading given for such liquors, as aforesaid, to the person of whom he purchased the same, or be subject to pay the amount of the duty thereon to the person of whom he purchased the same as aforesaid, who shall pay such duty to the collector or his deputy; but if the purchaser aforesaid shall deliver such receipt or bill of lading as aforesaid, and it be lodged with the collector or his deputy, then, for the quantity of said liquors mentioned therein, the collector or his deputy shall not demand any duty.

Penalty for masters or others, giving certificate without receiving the liquors.

[Sect. 30.] And if the master of any vessel, or any other person, shall give such certificate, receipt or bill of lading, without receiving the liquors mentioned therein, or if any person shall procure such certificate, receipt or bill of lading, with design to defraud the government, and shall be thereof convicted, they and each of them shall forfeit and pay the sum of one hundred pounds, two thirds for the use of this government, and the other third for the use of the prosecutor. And if any such certificate, receipt or bill of lading shall be forged, counterfeited or altered, the person forging, counterfeiting or altering shall incur the penalty of one hundred pounds.

Provided, nevertheless,—

Proviso.

[Sect. 31.] That the person having permit as aforesaid shall not sell any of the liquors aforesaid in a quantity less than twenty-five gallons (to be sold and delivered to one person at one time), unless he or she hath licence from the court of general sessions of the peace, as aforesaid, on pain of incurring the several fines and penalties in the former part of this act laid upon those persons who sell the liquors aforesaid without licence.

Be it further enacted,

Collector to give certificate, on penalty.

[Sect. 32.] That the collector aforesaid or his deputy, when the exporter shall make an entry with him as aforesaid, or shall make an entry with him and swear as aforesaid, shall give to said exporter a certificate of such entry, or a certificate of such entry and oath, on penalty of one hundred pounds, for the use of the exporter.

And be it further enacted,

Persons applying for a permit, to give bond.

[Sect. 33.] That every person applying to the collector or his deputy, or to the impost officer or his deputy, for a permit, shall give

bond, for the use of this province, with or without sureties, in a sum not exceeding two hundred pounds, nor less than twenty pounds, at the discretion of the collector or impost officer, conditioned for the payment of the excise that shall become due according to the account to be exhibited by such person taking such permit; and no person shall have such permit of the collector or impost officer until he hath given such bond.

Preamble.

And whereas the importer of any of the liquors aforesaid, or the person to whom they shall be consigned, may intend the same either for sale or for his or her own private consumption, in which case such importer or consignee is not sufficiently held by any preceeding part of this act to pay the duty or excise aforesaid; wherefore, in order to lay said duty or excise in as equal manner as may be,—

Be it enacted,

Persons importing liquors for private consumption, &c., to render an account thereof to the collector.

[SECT. 34.] That every person that shall bring or import into this province, either by land or water carriage, any of the liquors aforesaid, either for sale or private consumption, shall, within twenty-four hours, pay or secure to the collector the duties or excise due thereon; but in case such importer or consignee be licenced or permitted, then he shall be held only to report the same to the collector of excise, and at the end of each half-year, respectively, shall make out an account expressing the kind and full quantity of the liquors aforesaid, imported or consigned as aforesaid; and when the account is rendered to the collector or his deputy, it shall be upon oath; and such importer or consignee shall pay to the said collector or his deputy, on the liquor or liquors mentioned in said account, the duty of excise aforesaid, deducting ten per cent for leakage; and in case of failure herein, the offender shall pay a fine of four pounds, and treble duty or excise on the quantity so imported or brought in, one third of which shall be for the use of the province, the other two thirds for him or her that shall inform and sue for the same.

Collector may apply to two justices for a citation, where he may suspect persons giving a false account, &c.

[SECT. 35.] And if said collector or his deputy shall have reason to suspect any person of bringing or importing into this province, either by land or water carriage, any of the liquors aforesaid, without having entered the same and secured the duties or excise aforesaid, the said collector may apply to two of the next justices of the peace to such suspected person, and within the county where he lives, and on making oath that he so suspects such person, said justices shall issue a process under their hands and seals, directed to the sheriff or his deputy, or constable, requiring him to summons such suspected person, and oblige him to give security, to the amount of one hundred pounds, to appear and answer and respond the judgment that shall be given on the premisses, and in case such person shall not give such security, to bring him before such justices at the time that said justices in such process shall appoint; and when the parties shall be before them, the said justices shall examine into the cause of complaint; and if it shall appear, either by confession of the party, or by the evidence of one credible witness, that he or she, or any one on his or her behalf, has imported or has had any of the liquors aforesaid consigned to him or her without having entered the same and secured or paid the duty or excise as aforesaid, such suspected person shall then render a full account, on oath, of the kinds and quality of the liquors imported or consigned as aforesaid, and shall pay on such liquors, or give security to pay, the aforesaid fine of four pounds, and treble duty or excise as aforesaid, one third for the use of this government, the other two thirds for the informer and prosecutor, and costs.

[SECT. 36.] And said justices are hereby impowered to make up judgment and award execution accordingly: *provided* the said fine

and treble damage exceed not six pounds * then said justices shall bind the offender to answer his offence at the next court of general sessions of the peace for the county where the offence was committed, and such offender shall enter into recognizance, with two sufficient sureties, to answer for his offence, in the sum of fifty pounds; and any person or persons upon refusing to render such account and paying as aforesaid, shall forfeit fifty pounds, one third for the use of the prosecutor, the other two thirds for the use of this government, in lieu of such fine and treble duty, to be recovered as is hereafter provided in this act.

[Sect. 37.] And if no confession be made by such suspected person, and no evidence produced as aforesaid, and it shall appear to the justices before whom the same is tried that there is sufficient ground of suspicion, the suspected person may then clear him- or herself from the complaint aforesaid, by taking an oath in the form following: —

Form of the oath.

You, A. B., do swear that you have not, directly or indirectly, either by yourself, or any person in your behalf, imported into this province any rum, spirits distilled, or wine, and that you have not had any of said liquors directly or indirectly consigned to you, but what you have paid, or secured to be paid, the duty or excise agreeable to an act of this province made in the thirty-third year of his majesty's reign, intituled "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." So help you God.

— which oath the said justices are hereby impowered and required to administer.

Penalty for refusing to take the oath.

[Sect. 38.] And if such suspected person shall refuse to take said oath, and shall neglect to appear upon the citation aforesaid, he or she shall pay the cost of citation, and shall forfeit the sum of fifty pounds, one third for the use of the prosecutor, the other two thirds for the use of this government, and costs of prosecution; but if such suspected person shall take the said oath, the costs of citation or warrant shall be paid by the collector or his deputy, respectively, who applied for such citation or warrant; who shall also pay to the person cited or apprehended, and taking said oath, the sum of twenty shillings; and in case any person shall be served with the process aforesaid, in manner aforesaid, and shall not appear according to the tenor thereof, said justices shall make a record thereof, and the security taken by the sheriff or his deputy, or constable, as aforesaid, shall be deemed forfeited, and the same by said collector may and shall be put in suit in any court proper to try the same, and the sum recovered shall be divided, one third to his majesty for the use of this province, and the other two thirds to such collector.

And be it further enacted,

Collector to grant a permit, on penalty.

[Sect. 39.] That the collector, or his deputy, shall be and hereby is obliged to grant a permit, under his hand, to every person applying for the same, on penalty of two hundred pounds, to and for the use of the person making application; which permit shall be in the form following; viz., —

Form of the permit.

You, A. B., of C., in the county of D., are hereby permitted to sell rum and other distilled spirits, and wine, or any of said liquors, within the county of , until the day of , one thousand seven hundred and , pursuant to an act of this province, made in the thirty-third year of his majesty's reign, intituled "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." Dated at C., this day of , 176 .

A. B., *collector (or deputy collector) of excise for the county aforesaid.*

* In this act, and in the excise act of the previous year (1758-59, chap. 29, § 36), the words "but if such duty exceed six pounds," seem to have been accidentally omitted. See 1757-58, chap. 19, § 37.

Fee for a permit.

And for such permit the said collector or deputy shall be entituled to receive twopence, and no more; and the like sum for an entry made with him, and the like sum for a certificate given by him.

And be it further enacted,

Collector to keep an office in each seaport town, &c.

[SECT. 40.] That the collector of excise, either by himself or his deputy, shall keep an office in each seaport town within his county, where he or his deputy shall give his attendance on every Thursday, from nine o'clock in the morning to twelve at noon, to grant permits, to receive entries, give certificates, &c.

Provided, —

[SECT. 41.] That in the town of Boston such an office shall be kept and attendance given on every day, Lord's Day only excepted, within the hours aforesaid of each of said days respectively.

Provided, also, —

[SECT. 42.] That the said collector or his deputy, on application made, shall at any other time grant permits, receive entries and give certificates aforesaid.

Preamble.

And whereas persons not belonging to this province may import the liquors aforesaid, and take permit to dispose of the same, and may go out of the province before the time comes about when persons selling said liquors are held to account with the collector, and by that means may avoid paying the duty upon what has been so disposed of; for preventing whereof, —

Be it enacted,

Persons importing liquors as aforesaid to give bond.

[SECT. 43.] That every person importing the liquors aforesaid, and applying to the collector or his deputy for a permit to sell the same, shall give bond to said collector, in a sum not exceeding two hundred pounds nor less than twenty pounds, with or without sureties, at the discretion of the collector, that he will render to said collector or his deputy an account, on oath, of the kind and full quantity of the liquors aforesaid sold by him, or by any person or persons on his behalf, and that he will pay thereon the duty or excise aforesaid before he leaves the province; and if such person shall refuse to give such bond, the said collector or his deputy shall not be obliged to grant him a permit, anything in this act to the contrary notwithstanding; and if such person shall sell any of the liquors aforesaid without permit, he shall be subject to all the penalties that other persons selling without permit are subject to; or if such person shall give bond as aforesaid, and shall leave the province before such bond be discharged, the collector may bring his action on said bond against the surety or sureties, for the recovery of the sum in such bond mentioned, which shall be, one third for the use of the prosecutor, the other two thirds for the use of this government.

Be it further enacted,

Deputy collectors liable to military duties.

[SECT. 44.] That no person shall be exempted from any military duty by means or on account of his being appointed a deputy collector of the duties of excise of spirituous liquors, but shall, to all intents and purposes, be liable to train, be impressed and perform every other military duty, as if such person had not been appointed a deputy collector as aforesaid.

Be it further enacted,

All persons who had permits or license to sell liquors, and shall not renew the same, to account for the duties thereof.

[SECT. 45.] That all persons who took out permits in the preceding year, and do not renew the same, shall, at the end of each half-year from and after the twenty-sixth day of March next, and until the twenty-sixth day of March, one thousand seven hundred and sixty-two, render to the collector or his deputy that shall or may be appointed in the respective counties by vertue of this act, an account, on oath, of all liquors remaining in their hands and consumed in his, her or their

families during the continuance of this act, and pay the duties herein imposed, deducting ten per cent for leakage, upon penalty of fifteen pounds, one half to the informer, the other half to and for the use of this province.

Be it further enacted,

Collector of the duties of excise to account for all wine, &c., sold or consumed by them.

[Sect. 46.] That every person that hath been or may be appointed collector of the duties aforesaid, who shall import into this province, or shall have by consignment or otherwise, or shall sell or dispose of any wine, rum or spirits distilled, limes, lemmons or oranges, or shall use or consume the same, such collector shall take, keep and render a like account thereof, upon oath, to the province treasurer (who is hereby impowered to administer the same in the form by this act prescribed), and pay to him the like duties thereon as such person so appointed collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the collector of the duties aforesaid; and that the same be done in like manner and time, and under the like pains and penalties, as by this act in such cases is provided.

Be it further enacted,

How fines, &c., arising by this act to be disposed of.

[Sect. 47.] That all fines, penalties and forfeitures arising or accruing by any breach of this act, and not otherwise appropriated, shall be two thirds to his majesty, for the use of this government, and the other third for the use of the prosecutor; to be recovered by action or information in any of his majesty's courts of record. [*Passed February* 13; *published February* 14, 1760.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE NINETEENTH DAY OF MARCH, A.D. 1760.

CHAPTER 29.

AN ACT FOR THE BETTER REGULATING THE CHOICE OF PETIT JURORS.

Be it enacted by the Governo[u]*r, Council and House of Representatives*,

Selectmen of each town to take a list of persons liable to serve as petit jurors, &c., and lay the same before their towns, at a meeting called for that purpose. 1756-57, chap. 13. 5 Gray, 265. 121 Mass., 79.

[SECT. 1.] That the selectmen of each town within this province shall, within their respective towns, some time before the tenth day of April next, take a list of the persons liable by law, and which they shall judge able and well qualified, to serve on the petit juries, and lay the same before the town, at a meeting in May next to be called for that purpose; and the towns shall, respectively, at such m[*eet**]ing select out of the list, one-quarter of the number so laid before them, such as they judge most suitable to serve as jurors at the superiour court of judicature, court of assize and general goal delivery, and put their names, written on sep[e][*a*]rate pieces of paper, in one box; and the remainder of such of them as the town shall think suitable, in the same manner, into another box, to serve as jurors in the inferiour court of common pleas and court of general sessions of the peace, to be provided by the selectmen for that purpose, and deliver the same to the town clerk, to be by him kept under lock and key.

And be it further enacted,

Said list to be carried into the meeting, and as many names drawn out by the town clerk or selectmen as there shall be occasion for.

[SECT. 2.] That when, at any time after the first day of June next, during the continuance of this act, any *venire facias* shall issue forth for the choice of petit jurors, and the inhabitants of each town shall be assembled for that purpose, the town clerk, or one or more of the selectmen in case of his absence or sickness, shall carry into the meeting the box wherein the names of those persons are put who are designed to serve at the court from whence the *venire facias* issued, which shall be unlock'd in the meeting, and in the presence of the major part of the selectmen (who are hereby enjo[i][*n*]ned to be present), and the constable who shall warn said meeting, shall particularly notify them and the town clerk for that purpose; and the town clerk, or, in his absence, one or more of the selectmen, shall draw out so many tickets as there are jurors required by the *venire*, who shall be the persons that shall be returned to serve as jurors: *saving*, that if any whose names are so drawn are sick, or otherwise unable to serve at that time, in the judgment of the town, their names shall be returned into the box, and others drawn in their stead.

Persons to serve on juries but once in three years.

[SECT. 3.] And to the intent the same persons may not serve too often, the clerk or selectmen who shall draw the ticket or name of any person returned to serve as aforesaid, shall enter on the back thereof

* Parchment mutilated.

the date of such draft, and return the same into the box again, and said person or persons shall not be obliged (altho' drawn at any time) to serve as jurors oftner than once in three years; and no person who has served as a petit juror within two years past shall be obliged to serve again until three years be compleated from the time of his last serving, notwithstanding his name's being drawn as aforesaid.

[SECT. 4.] And the selectmen shall, in the same manner, once in every year, during the continuance of this act, take a new list of such other persons as may become suitable and qualified, and lay the same before the town, whose names, being first by them allowed, shall be put into their respective boxes in manner as aforesaid; and as well that all may do duty, as that the deficiency that may have happen[']d by death, or otherwise, may be supplied at such time, the town may, if they think fit, make a new regulation of the list before received, and transfer the names from one box to another, as they judge needful.

And whereas it often happens that the persons returned to serve as petit jurors abscond, and the respective constables are put to great difficulty, and frequently prevented from notifying them, — Preamble.

Be it further enacted,

[SECT. 5.] That, from and after the first day of June next, and during the continuance of this act, the clerks of the respective courts in this province, shall, and hereby are obliged to, issue out their *venires*, from their respective * offices, thirty days, at least, before the return day; and the respective constables, upon receipt of the said *venires*, are hereby obliged to notify their towns thereof, so that the several meetings may be held six days, at least, before the sitting of the court from whence the *venire* issues; and the constables are hereby directed, in case they cannot personally notify those who are so drawn, upon their leaving a certificate of their being drawn as aforesaid, with the time and place of their respective courts' sitting, at the usual place of such person's abode, four days before the sitting thereof, and it shall be deemed a sufficient notification. Rules for notification and issuing *venires*.

[SECT. 6.] And if any person, drawn and notified as aforesaid, shall neglect to attend and serve accordingly, unless reasonable excuse be made to the justices of the respective courts, he shall be fined in a sum not exceeding thirty shillings; and if such jurors belong to the town of Boston, they shall be fined in a sum not exceeding ten pounds, for the superiour court only, to be divided between the petit jurors drawn, as aforesaid, and serving at such court. Penalty for persons not attending as jurors.

And be it further enacted,

[SECT. 7.] That the justices of the respective courts aforesaid are hereby directed, upon motion from either party in any cause that shall be tried after the first day of June next, and during the continuance of this act, to put any juror to answer upon oath (whether returned as aforesaid or as talisman) whether he doth expect to gain or loose by the issue of the cause then depending; whether he is any way related to either party; or hath directly or indirectly given his opinion, or is sensible of any prejudice, in the cause. And if it shall then appear to said court that such juror does not stand indifferent in said cause, he shall be set aside from the trial of that cause, and another appointed in his stead. Method for preventing partial jurors.

And whereas it frequently happens that many of the jurors so chosen to serve in the several courts of judicature within this province fail of attendance, and, by reason of challenges made by parties to several of said jurors, the number of returned jurors are too few to serve at said court; for remedy whereof, — Preamble

* Only one skin of the engrossment of this act, ending with this word, is preserved. It bears no mark of having been sealed, although the date of publication is endorsed upon it.

Be it enacted,

New *venires* to be issued, in case.

[SECT. 8.] That from and after the first day of June next, and during the continuance of this act, it shall and may be lawful for the justices of the courts aforesaid, when sitting, and as they shall judge there is occasion, to cause new writs of *venire facias* to be forthwith issued out and directed to the constables of the several towns in the county in which said court is held, for the appointment and return of so many good and lawful men, to serve upon the jury at said court, as shall be directed in the writ; which jurors shall be forthwith appointed, and, being notified and returned to the said court, shall be, and hereby are, obliged to give their attendance immediately, under the penalty by this act provided for non-appearance of jurors.

Preamble.

1756-57, chap. 13, § 10.

And whereas, notwithstanding the expiration of the time limited for continuing an act made and passed in the thirtieth year of his majesty's reign, intituled "An Act for the better regulating the choice of petit jurors," sundry towns have conformed themselves thereto, —

Be it enacted,

Choice and return, &c., made in conformity to the act of the thirtieth year of the present reign, to be good and valid.

[SECT. 9.] That the choices and returns of petit jurors already made, or which hereafter may be made before the commencement of this act, by such towns, in conformity to the act made and passed in the thirtieth year of his majesty's reign, and the verdicts given by such jurors upon causes to them committed, together with all processes and judgments already had and entered thereupon in any court or courts of law, or which hereafter may be, are hereby held and adjudged good and valid, and are hereby confirmed, notwithstanding the discontinuance of the said act made and pass'd in the thirtieth year of said reign.

Limitation.

[SECT. 10.] This act to continue and be in force from the said first day of May next, until the last day of March, which will be in the year of our Lord one thousand seven hundred and sixty-seven. [*Passed and published March* 29, 1760.

CHAPTER 30.

AN ACT FOR THE PREVENTION OF DANGER AND INCONVENIENCE IN REBUILDING THAT PART OF THE TOWN OF BOSTON THAT WAS LATELY CONSUMED BY FIRE.

Preamble.

12 Allen, 238.

WHEREAS, by the late desolating fires in the present year of his majesty's reign, a great number of buildings in the town of Boston have been demolished, and a large tract laid waste; to promote the building thereof in the most safe and commodious manner,—

Be it enacted by the Governour, Council and House of Representatives,

Names of the persons authorized and appointed to lay out new streets or lanes, and to widen, alter or discontinue the same, &c.

[SECT. 1.] That Thomas Hutchinson, John Osborne, Jacob Wendell, Samuel Watts, Andrew Oliver, Joseph Pynchon, Stephen Sewall, John Erving, James Bowdoin, Thomas Hancock and Thomas Hubbard, Esquires, members of his majesty's council, together with the present selectmen of the town of Boston, be and hereby are fully authorized and impowered to lay out any new streets or lanes, in such places and of such breadth and length as they shall think proper, within the limits of the tract so laid waste as aforesaid, and to widen, ascertain, alter and discontinue any streets or lanes heretofore laid out within the same limits. And any person or persons that shall have their land taken away or lessened, or be otherwise injured thereby, shall and may recover the damages by them sustained, agreeable to the

How persons who have their lands taken away, or other-

directions of an act made in the fourth year of the reign of King William and Queen Mary, intituled "An Act for building with stone and brick in the town of Boston, and preventing fire."

wise injured, may be relieved. 1692-93, chap. 13.

And be it further enacted,

[SECT. 2.] That no person shall erect, build or rebuild any house, barn, shop or other building whatever, before the twentieth day of June next, within the limits aforesaid, without leave first obtained of the said members of the council and the selectmen, or the major part of the whole, being met together, in writing, under their hands, and unless the same be placed on such spot, and be of such kind, dimensions and fabrick, as the said members of the council and the selectmen, or the major part of the whole, shall allow and approve of.

[SECT. 3.] And every house or other building erected or rebuilt contrary to the true intent of this act shall be deemed a nusance. And the said members of the council and the selectmen, or the major part of the whole, are hereby authorized and impowred to prostrate and remove the same, and dispose of so much of the materials thereof as shall be necessary to defrey the expence of prostrating and removing the same. [*Passed and published March* 29, 1760.

CHAPTER 31.

AN ACT FOR FURTHER REGULATING THE PARTITION OF REAL ESTATES.

Preamble. 1692-3, chap. 14, § 1. 1742-43, chap. 24. 1748-49, chap. 12.

WHEREAS the justices of the superio[*u*]r court, in certain cases, and the judges of probate, in certain cases, are by law impowered to appoint five freeholders to make partition of real estates; *and whereas* it is found unnecessary for so great a number to be appointed where the estate to be divided is but of small value,—

Be it therefore enacted by the Governo[*u*]*r, Council and House of Representatives*,

Justices of the superior court, and judges of probate, respectively, to appoint freeholders to make partition of real estates.

[SECT. 1.] That for the future it shall and may be lawful for the justices of the superio[*u*]r court and [the] judges of probate, respectively, to appoint either three freeholders or five, to make partition of real estates, according to the circumstances of the estate to be divided and as such justices or judges of probate in their discretion shall think proper.

And whereas it sometimes happens that the estate to be divided consists of such distinct tenements, and under such peculiar circumstances, as that an exact partition thereof cannot be made to each of the parties according to his share in the whole estate, without making such fractional[l] division of a messuage, tract of land, or other tenement, as would be extremely prejudicial to the interested therein; for prevention whereof, —

Be it further enacted,

Where lands, &c., cannot be subdivided, may be settled on one of the parties not being a minor.

[SECT. 2.] That when any messuage, tract of land, or other tenement shall be of greater value than either party's purpart or share in the estate to be divided, and cannot at the same time be subdivided, or part thereof assigned to one, and part to another, without great inconvenience, the same may be settled on one of the parties, not being a minor, he paying, for owelty of partition, or, to make a just and equitable partition, such sum or sums to such party or parties as, by means thereof, have less than their share of the real estate, as said dividers shall award; and the part so assigned shall stand charged for the payment thereof. [*Passed and published March* 29, 1760.

CHAPTER 32.

AN ACT TO ENABLE THE TOWN OF WEYMOUTH TO REGULATE AND ORDER THE TAKING AND DISPOSING OF THE FISH CALLED SHADD AND ALEWIVE[S], WITHIN THE LIMITS OF THAT TOWN.

Preamble.

WHEREAS the town of Weymouth, in the county of Suffolk, have been at considerable expence and charge in purchasing and opening a water-passage for the fish called shadd and alewives, from the sea into a pond called Whitman's Pond, and Great Pond, being wholly within the bounds of said town, it seems reasonable and but just that the sole ordering the taking of said fish, and the disposition of them when taken, should be wholly vested in said town of Weymouth; to which purpose, —

Be it enacted by the Governour, Council and House of Representatives,

Inhabitants of the town of Weymouth to determine and order how, in what manner, &c., said fish may be taken and disposed of.

[SECT. 1.] That, from and after the publication of this act, it shall and may be lawful for the inhabitants of the said town of Weymouth, at a meeting regularly assembled for that purpose, from time to time, during the continuance of this act, to determine and order how, in what manner, by whom, and what place or places, time or times in the year, the said fish may be taken within the town aforesaid, and shall cause a copy of such order, attested by the town clerk, to be posted up in some publick place in said town of Weymouth, whereunto all persons shall conform, with respect to the taking and disposing of said fish, on penalty that the offender against the same shall forfeit and pay the sum of ten shillings for each offence, to be recovered, before any justice of the peace, by the treasurer of the town of Weymouth, and applied, the one moiety to the use of the poor of the town of Weymouth, and the other to him or them that may sue for the same.

Penalty for offending against this act.

Proviso.

Provided, —

[SECT. 2.] The said town of Weymouth do, for the benefit of the neighbouring towns, appoint one or more meet person or persons to fish for their supply during the usual season, and give publick notice on or before the twentieth day of April next, and, for the future, on or before the first day of April, annually, of time, place, person or persons, by which they are to be supplied; and for such fish, so supplied and delivered, that the said town of Weymouth, or those employed by them, shall demand or receive no more than one shilling per hundred for alewives, and six shillings per hundred for shadd, and so in proportion for a greater or lesser quantity.

And provided, also, —

Persons appointed as aforesaid, to give security.

[SECT. 3.] That if the person or persons appointed by the said town of Weymouth for the purpose aforesaid shall neglect or refuse that service, upon application of any two or more persons aggrieved, to the two next justices in the neighbouring towns, they may appoint one or more meet person or persons, which shall be subject to the general orders of said town respecting the fishery aforesaid; and who shall give sufficient security, to the acceptance of the aforesaid justices, to render and pay to the treasurer of the said town of Weymouth the full produce of his or their fishing, at the rates aforesaid, after a reasonable deduction being made at the discretion of the justices aforesaid, for the said person or persons' time and labour therein: *saving, always*, to the Indians, the right of fishing in the ponds aforesaid and the water-passages leading thereto.

Limitation.

[SECT. 4.] This act to continue and be in force for the space of five years from the publication thereof, and no longer. [*Passed and published March* 29, 1760.

CHAPTER 33.

AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS LYING IN THE TOWNSHIP OF YARMOUTH, CALLED NOBSCUSSETT MEADOW.*

Preamble. 1749-50, chap. 15. 1754-55, chap. 29.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine to feed upon the beaches and shores adjoining to Nobscussett meadow, in Yarmouth, between said meadow and the harbour, whereby the ground is much broken and damnified, and the sand blown on said meadow and lands adjoining, to the great damage, not only of private persons, in their property, but also to the said town in general, so far as relates to said meadow, harbour, and the lands adjoining, —

Be it enacted by the Governor, Council and House of Representatives,

Persons forbidden to drive cattle, &c., on the beaches, meadow or shores at Nobscusset, within certain limits.

[SECT. 1.] That from and after the last day of March instant, no person or persons shall presume to turn or drive any neat cattle, or horse-kind, or sheep, or swine, to or upon any of the beaches, meadows or shores at said Nobscussett, south of an east and west line from Fox Hill, so-called, to the seashore, and so to the extent of the meadows and beaches aforesaid in said Yarmouth, from the first day of March to the last of November, annually, upon the penalty of ten shillings a head for neat cattle, horses or mares, and one shilling for each sheep and swine, that shall be turned and found on said beaches, meadows or shores, within the time and limits aforesaid; which penalty shall be recovered by the selectmen or treasurer of the said town of Yarmouth, or any other person that shall inform and sue for the same: the one half of the said forfeiture to him or them that shall inform and sue for the same, the other half to be to and for the use of the poor of the said town.

And be it further enacted,

Cattle to be impounded, in case.

[SECT. 2.] That if any neat cattle, or horse-kind, or sheep, or swine, shall, at any time hereafter, be found feeding on the said beaches, meadows or shores, south of an east and west line from Fox Hill to the seashore aforesaid, that it shall and may be lawful for any person to impound the same, immediately giving notice to the owners, if known, otherwise to give publick notice thereof in the said town of Yarmouth and the two next adjoining towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear, he shall pay the sum of two shillings and sixpence to the impounder, for each neat beast and horse-kind, and sixpence for each sheep and swine, and the reasonable costs of relieving them, besides the pound-keeper's fees. And if no owner appear within the space of six days to redeem the said cattle or horse-kind, sheep or swine so impounded, and to pay the costs and damage occasioned by impounding the same, then and in every such case the person or persons impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at publick vendue, to pay the costs and charges arising about the same (public notice of the time and place of such sale to be given in the said town of Yarmouth forty-eight hours beforehand), and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse-kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then

Cattle to be sold, in case.

* The engrossment of this act being lost, it is here printed from the printed sessions-acts. There are unimportant literal differences between this impression and that of the edition of temporary acts, of 1763.

the said overplus shall be one half to the party impounding, and the other half to the use of the poor of the said town of Yarmouth.

Be it further enacted,

Officers to be chosen to see this act carried into execution.

[SECT. 3.] That the said town of Yarmouth, at their meeting in March, annually, for the choice of town officers, be authorized and impowered to chuse one or more meet person or persons, whose duty it shall be to see this act observed, and to prosecute the breakers thereof, and who shall be sworn to the faithful discharge of their office. And in case any person so chosen shall refuse to be sworn, he shall forfeit and pay, for the use of the poor of said town of Yarmouth, the sum of forty shillings; and upon such refusal said town from time to time to proceed to a new choice of such officer or officers.

Provided, nevertheless, and it is hereby declared, —

Proviso.

[SECT. 4.] That this act shall not be construed so as to restrain any person or persons on the whaling or fishing business, from turning their horses on the piece of common near said meadows, in case they confine such horses to the said common.

Limitation.

[SECT. 5.] This act to continue and be in force until the last day of March, in the year of our Lord one thousand seven hundred and seventy, and no longer. [*Passed and published March* 29, 1760.

CHAPTER 34.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS, THAT ARE EXPIRED AND NEAR EXPIRING.

Sundry laws revived and continued.

WHEREAS the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz[t]., an act made in the twelfth year of his present majesty's reign, intit[u]led "An Act to prevent the unnecessary journeying of the members of the General Court;" an act made in the fourteenth year of his present majesty's reign, intit[u]led "An Act for explanation of and supplement to the Act referring to the poor, &c."; an act made in the fifteenth year of his present majesty's reign, intit[u]led "An Act to retrench the extraordinary expence at funerals"; four acts made in the sixteenth year of his present majesty's reign: one, intit[u]led "An Act for making more effectual an act intit[u]led 'An Act for regulating the militia'"; another, intit[u]led "An Act in addition to the several acts for regulating the assize of cask, and preventing deceit in the packing of fish, beef and pork for sale"; another, intit[u]led "An Act to prevent gaming for money or other gain"; the other, intit[u]led "An Act to prevent unnecessary lawsuits"; an act made in the eighteenth year of his present majesty's reign, intit[u]led "An Act to prevent unnecessary expence in suits at law"; four acts made in the twentieth year of his present majesty's reign, one intit[u]led "An Act in further addition to an act for highways"; another, intit[u]led "An Act to prevent the firing of guns charged with shot[t] or ball in the town of Boston"; another, intit[u]led "An Act more effectually to prevent profane cursing and swearing"; the other, intit[u]led "An Act to enable the proprietors of private ways to repair them in an equal manner"; an act made in the twenty-second year of his present majesty's reign, intit[u]led "An Act to prevent damage being done on the beach and meadows in Plymouth, adjoining to said beach, commonly known by the name of Plymouth Beach"; an act made in the twenty-fourth year of his present maj-

1738-39, chap. 25.
1740-41, chap. 20.
1741-42, chap. 14.
1742-43, ch. 16.
1742-43, ch. 20.
1742-43, ch. 27.
1742-43, ch. 19.
1743-44, ch. 23.
1746-47, ch. 10.
1746-47, ch. 11.
1746-47, ch. 17.
1746-47, ch. 18.
1748-49, ch. 13.
1751-52, ch. 19.

esty's reign, intit[*u*]led "An Act to impower the proprietors of the meeting-house in the first parish in Salem, where the Rev. Mr. John Sparhawk now officiates, and also the proprietors of the meeting-house in the third parish in Newbury, where the Rev. Mr. John Lowell officiates, to raise money for defreying ministerial and other necessary charges"; and likewise an act made in the thirtieth year of his present majesty's reign, intit[*u*]led "An Act for preventing the unnecessary destruction of alewives in the town of Sandwich": — 1756-57, chap. 32.

Be it therefore enacted by the Governo[u]*r, Council and House of Representatives*,

That such of the before-mentioned acts as are expired, with all and every article, clause, matter and thing therein respectively contained, be and hereby are revived, and shall be in force from the twenty-ninth day of March, one thousand seven hundred and sixty, to the twenty-ninth day of March, one thousand seven hundred and seventy; and such of said acts as are near expiring are hereby continued, and shall be in force till the said twenty-ninth day of March, one thousand seven hundred and seventy, and no longer. [*Passed and published March* 29, 1760. Revived and continued to March 29, 1770.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE SIXTEENTH DAY OF APRIL, A.D. 1760.

CHAPTER 35.

AN ACT IN ADDITION TO AN ACT, INTITULED "AN ACT FOR RAISING THE SUM OF TWELVE HUNDRED POUNDS BY LOTTERY, FOR BUILDING AND MAINTAINING A BRIDGE OVER THE RIVER PARKER, IN THE TOWN OF NEWBURY, AT THE PLACE CALLED OLDTOWN FERRY."

Preamble. 1750-51, chap. 14.

WHEREAS, in pursuance of an act made and passed in the twenty-fourth year of his present Majesty's reign, intituled "An Act for raising the sum of twelve hundred pounds by lottery, for building and maintaining a bridge over the River Parker, in the town of Newbury, at the place called Oldtown Ferry," the bridge aforesaid has been built, and now is compleated; *and whereas* it appears, on the representation of Daniel Farnham, Esq., one of the persons appointed by the same act to set up and carry on the lottery and build the bridge aforesaid, that the cost of building the said bridge, and carrying on the said lottery, amounts to the sum of four hundred and seventy-eight pounds eighteen shillings and fourpence more than what was allowed to be raised by the act aforesaid; and he humbly prays that the said sum of four hundred and seventy-eight pounds eighteen shillings and fourpence may be raised by another lottery, together with such additional sum as shall be needful to prosecute the same, under the direction of persons appointed by this government; *and whereas* Thomas Berry, Esq., one of the persons appointed to conduct the former lottery, is since dead, and John Greenleafe, Joseph Gerrish and Joseph Atkins, Esqrs., three of the other persons, by reason of age and weakness decline the service aforesaid, and pray that other suitable persons may be appointed in their room and stead; and the further sum of six hundred pounds being thought needful for the purposes aforesaid, —

Be it therefore enacted by the Governour, Council and House of Representatives,

Caleb Cushing, Esq., &c., empowered to set up and carry on a lottery in Newbury.

That Caleb Cushing, Esq., Joseph Gerrish, jun., Esq., William Atkins, Esq., and Mr. Patrick Tracey, merchant, together with the aforesaid Daniel Farnham, Esq., or any three of them, be and hereby are impowered to set up and carry on a lottery within the said town of Newbury, amounting to such a sum as, by deducting ten per cent out of each prize, they may thereby raise the said sum of six hundred pounds, for defreying the charges already arisen on the account of building the bridge aforesaid, and the necessary charges of managing and prosecuting the lotteries aforesaid; and upon a just settlement of the expences and charges relative thereto, the residue, if any there shall be, to be applied towards maintaining and repairing the same bridge as occasion shall require: and the said Daniel Farnham, Caleb

Cushing, Joseph Gerrish, jun., and William Atkins, Esqrs., and the said Patrick Tracey, or any three of them, are hereby impowered to make all necessary rules and orders for the regular proceeding therein; and they shall be sworn to the faithful discharge of the trust aforesaid, and shall be answerable to the purchasers and drawers of the tickets, for any deficiency or misconduct; and the money thus raised shall be applyed to the uses and purposes aforesaid; and they, or any three of them, are also hereby impowered to adjust and settle accounts with the former managers as aforesaid. [*Passed and published April* 28, 1760.

CHAPTER 36.

AN ACT FOR RAISING A SUM OF MONEY BY LOTTERY, FOR REMOVING THE ROCKS AND SHOALS IN TAUNTON GREAT RIVER, AND THEREBY TO RENDER THE NAVIGATION IN SAID RIVER MORE EASY AND LESS HAZARDOUS.

Preamble.

WHEREAS the navigation in Taunton Great River, between [the] Ware Bridge and Rocky Point, is much obstructed and straitned by reason of diverse rocks and shoals in said river, and vessels are often sunk by run[*n*]ing on the rocks between the said bridge and Rocky Point, to the great prejudice not only of trade in general, but to those particular persons who have occasion to transport their lumber and other commodities up and down said river for a market; to the end, therefore, that those obstructions may be removed, and the navigation in said river rendered more easy and less hazardous, —

Be it enacted by the Governour, Council and House of Representatives,

James Williams, Esq., and others, allowed and empowered to set up and carry on one or more lotteries for removing the rocks and shoals in Taunton Great River.

[SECT. 1.] That James Williams, Esq[r]., Captain George Williams, Mr. Robert Luscomb and Mr. John Adams, all of Taunton, and Mr. Stephen Burt of Berkley, or any three of them, be and hereby are impowered to set up and carry on one or more lottery or lotteries, amounting in the whole to such a sum as, by drawing or deducting ten per cent out of the same, may raise three hundred and fifty pounds, and no more; and that the said sum of three hundred and fifty pounds, raised by the deduction aforesaid, be, by the persons above named, paid to Messieurs James Walker, Israel Tisdale and Stephen Macomber, a committee appointed for the purposes in this act mentioned, within ten days after the sale of the tickets of said lottery shall be compleated, taking their receipt for the same; or, if the persons first above named shall think fit to raise said sum of three hundred and fifty pounds by more lotteries than one, then the money raised by each lottery, by the deduction aforesaid, shall, within ten days after the tickets of each lottery, respectively, are sold, be paid by them to the committee aforesaid, or the major part of them.

And be it further enacted,

Any three of them may be managers or directors.

[SECT. 2.] That the persons aforesaid first mentioned, or any three of them, be and they hereby are declared to be the managers or directors of each and every of the said lottery or lotteries, and are hereby impowered to make all necessary rules, and use all necessary methods, to manage and direct the same.

And be it further enacted,

Said managers to dispose of the tickets, make preparation for

[SECT. 3.] That the said managers or directors, with all convenient speed, after the sale of the tickets of each lottery, shall make preparation for drawing the same, and shall give notice in the publick prints,

the drawing, and to give public notice.

Managers directed in their proceedings.

of the time and place of drawing, at least ten days before the drawing begins, that any of the adventurers, if they think fit, may be present at the drawing; and as soon as may be after drawing of each lottery, the said managers shall cause a list of the benefit-tickets, expressing the number and value of each of them, to be printed in one of the publick newspapers; at the same time notifying the owners of such benefit-tickets of the time and place when and where they may apply for the payment of such tickets; and if any dispute shall arise about the property of any of the said benefit-tickets, the major part of the managers shall determine to whom it doth or ought to belong.

And be it further enacted,

Benefit-tickets to be paid off by the managers within twenty days after drawing.

[SECT. 4.] That the said benefit-tickets shall be paid off by the managers aforesaid within twenty days after the drawing of each lottery is finished, upon application of the owner or owners of such tickets, and delivering them up to be cancelled; and to secure the payment of such benefit-tickets to the owner or owners of them, the said managers and their estates, are hereby held and subjected to satisfy and make good the same, in like manner as they and their estates are subjected by law to satisfy and make good their own proper debts.

And be it further enacted,

Owners of benefit-tickets not applying for their money in one year, in case, shall not be entitled to the same.

[SECT. 5.] That if the owner or owners of any benefit-tickets shall, for the space of one year after the drawing aforesaid, neglect to apply for the payment of such ticket or tickets, unless he, she or they shall have been at sea, or out of the province, for that term of time (and to such person eighteen months shall be allowed to produce their tickets), he, she or they shall not be intitled to receive the same, but such ticket and tickets are hereby declared to be cancelled and of no value; and the money in the hands of said managers, which was to have been applied to the payment of such tickets, shall, after the expiration of the term aforesaid, be paid to the province treasurer for the use of the province.

And be it further enacted,

Managers, &c., to be on oath.

[SECT. 6.] That each manager aforesaid, before his acting in the capacity of manager, shall take an oath for the faithful execution of the trust reposed in him by v[i][e]rtue of this act; and every person employed about each lottery shall take an oath for the faithful performance of his trust, which last oath may be administred by any one of the managers, who are hereby impowered to administer the same.

And be it further enacted,

Managers to keep account of the time of their attendance, &c.

[SECT. 7.] That the managers aforesaid shall keep a particular account of the days of their attendance upon the service aforesaid, and for each whole day's attendance shall be allowed the sum of four shillings per day, the same to be paid by the committee aforesaid, or the major part of them, out of the monies raised by virtue of this act: *provided*, that no more than three of the managers aforesaid shall be intitled to such allowance for one and the same day.

And be it further enacted,

Managers to receive accounts of the charge, and order payment.

[SECT. 8.] That the managers aforesaid, after each lottery shall be finished, shall receive the accounts of all charges arisen thereon, and, having found them just, shall certify the same upon said accounts, to the said committee, or the major part of them, who are hereby directed to pay the same out of the monies aforesaid.

And be it further enacted,

Said lotteries to be finished in a limited time.

[SECT. 9.] That the lottery or lotteries aforesaid shall be wholly compleated and finished within eighteen months from the first day of October, one thousand seven hundred and sixty.

And be it further enacted,

Committee for

[SECT. 10.] That the said James Walker, Israel Tisdale and

Stephen Macomber are hereby declared to be the committee for receiving of the said managers the monies raised by virtue of this act, and for applying the same in the best manner they can for the purposes in this act mentioned. receiving moneys.

And be it further enacted,

[SECT. 11.] That the committee aforesaid, or the major part of them, shall and they hereby are directed to apply the money, from time to time, as they may receive it from the managers of the lotteries aforesaid (*saving* so much as shall be sufficient to defrey the necessary charges of said lotteries), for the removing of the rocks and shoals aforesaid in said Taunton River, between the Ware Bridge and Rocky Point aforesaid, in the best and most frugal manner they can, and to render an account of their proceedings therein to this court when required. Committee directed how to apply the moneys.

And be it further enacted,

[SECT. 12.] That if the sum raised by virtue of this act shall be more than sufficient to pay the charges of the lotteries aforesaid, and pay the committee aforesaid for their necessary services in applying the money by them received for the purposes before mentioned, the surplusage shall be by them paid into the province treasury for the use of the province. In case of a surplusage, how the same shall be disposed of.

And be it further enacted,

[SECT. 13.] That if any person shall forge or counterfeit any ticket or tickets to be made in consequence of this act, or alter any of the numbers thereof, or utter, vend, barter or dispose of any false, altered, forged or counterfeit ticket or tickets, or bring such ticket or tickets, knowing the same to be such, to the said directors, or any of them, or to any other person, with a fraudulent intent, every such person or persons, being thereof convicted in due form of law, shall suffer such pains and penalties as are by law provided in cases of forgery. Penalty for persons who forge or counterfeit tickets, &c.

[SECT. 14.] And the said managers or directors, or any two of them, are hereby authorized and impowered to cause any person or persons bringing or uttering such false, forged, altered or counterfeit ticket or tickets, as aforesaid, to be apprehended and committed to close goal, to be proceeded against according to law. [*Passed April* 24*; *published April* 28, 1760.

CHAPTER 37.

AN ACT FOR RAISING A SUM OF MONEY, BY A LOTTERY OR LOTTERIES, FOR THE PAVING AND REPAIRING THE HIGHWAY IN CHARLESTOWN, LEADING FROM THE FERRY TO THE NECK, SO CALLED.

WHEREAS the highway in the town of Charlestown, leading from the ferry to the neck, so called, by reason of the great number of waggons and other heavy carriages passing over it, and being for the most part extremely founderous, miry and bad, is frequently out of repair, notwithstanding the great cost and expence the town of Charlestown has been yearly at for repairing the same; *and whereas* the paving of the same highway is the most effectual method of repairing and keeping the same in good order and condition, and will require a considerable sum of money to effect it; for the raising whereof, — Preamble.

* April 28, according to the record.

Be it enacted by the Governour, Council and House of Representatives,

James Russell, Esq., and others, allowed and empowered to set up and carry on one or more lotteries for paving and repairing Charlestown highway.

[SECT. 1.] That James Russell, Esq[r]., Mess[*ieu*]rs Caleb Call, Isaac Foster, Nathan[i][*a*]el Rand, David Newall, Samuel Kent and Jabez Whittemore, or any three of them, be and hereby are allowed and impowered to set up and carry on one or more lottery or lotteries, amounting in the whole to such a sum as, by drawing or deducting ten per cent out of the same, or out of each prize- or benefit-ticket, may raise the sum of eighteen hundred pounds, and no more; and that the said sum of eighteen hundred pounds, raised by the deduction aforesaid, be, by the persons above named, paid to the town treasurer of Charlestown aforesaid, within ten days after the sale of the tickets of said lottery shall be compleated; or, if the persons aforesaid shall think fit to raise said sum of eighteen hundred pounds by more lotteries than one, then the money raised by each lottery, by the deduction aforesaid, shall, within ten days after the tickets of each lottery, respectively, are sold, be paid by them to the treasurer aforesaid; which sum of eighteen hundred pounds, or whatever part thereof shall be so raised, shall be applied towards the paving and repairing the highway aforesaid: *saving* so much of said sum as shall be sufficient to defr[a][*e*]y the necessary charges of the lottery or lotteries aforesaid; and to no other use whatsoever, except in case of a surplusage, as in this act hereafter mentioned.

And be it further enacted,

Any three of them may be managers or directors.

[SECT. 2.] That the persons aforesaid, or any three of them, be and they are hereby declared to be the managers or directors of each and every of the said lottery or lotteries, and are hereby impow[e]red to make all necessary rules, and use all necessary methods, to manage and direct the same, till the whole shall be fully compleated and finished.

And be it further enacted,

Said managers to dispose of the tickets, make preparation for the drawing, and to give public notice.

[SECT. 3.] That the said managers or directors, with all convenient speed, after the sale of the tickets of said lottery, or of each lottery, respectively, shall make preparation for the drawing the same, and shall give notice in the publick prints, of the time and place of drawing, at least ten days before the said drawing begins, that any of the adventurers, if they think fit, may be present at the drawing; and after the said drawing commences, they, the said managers, may adjourn from day to day, till the whole number of tickets of each lottery, respectively, shall be drawn: *provided*, the drawing of any one of said lotteries continue not longer than fifteen days, exclusive of Lord's Days.

Managers directed in their proceedings.

[SECT. 4.] And the said managers or directors shall make, or cause to be made, a fair entry, in a book provided for that purpose, of all the tickets so drawn, and of the blanks and prizes drawn answering to said tickets; and within ten days after the drawing of each lottery, respectively, shall be finished, they shall cause a list of the benefit-tickets, expressing the number and the amount of each of them, to be printed in the publick newspapers, at the same time, in the said newspapers, notifying the owners of such benefit-tickets of the time and place when and where they may apply for the payment of such tickets; and if any contention or dispute shall arise in adjusting the property of any of the said benefit-tickets, the major part of the managers shall determine to whom it doth or ought to belong.

And be it further enacted,

Benefit-tickets to be paid off by the managers within twenty

[SECT. 5.] That the said benefit-tickets shall be paid off by the managers aforesaid within twenty days after the drawing of each lottery, respectively, is finished, upon application of the owner or owners

of such tickets, and delivering them up to be cancelled; and to secure the payment of such benefit-tickets to the owner or owners of them, the said managers or directors, and their estates, are hereby held and subjected to satisfy and make good the same, in like manner as they and their estates are subjected by law to satisfy and make good their own proper debts: *provided*, that if the money in said manager's hands shall be lost by fire, or any other extraordinary or unavoidable accident, the said managers and their estates shall not be so held and subjected. days after drawing.

And be it further enacted,

[SECT. 6.] That if the owner or owners of any benefit-ticket or tickets shall, for the space of one year after the drawing aforesaid, neglect to apply for the payment of such ticket or tickets, unless he, she or they shall have been at sea and out of the province for that term of time (and to such persons eighteen months shall be allowed to produce their tickets), he, she or they shall not be entitled to receive the same, but such ticket and tickets are hereby declared to be cancelled and of no value; and the money in the hands of said directors, which was to have been applied to the payment of such tickets, shall, after the expiration of the term aforesaid, be immediately paid to the town treasurer of said Charlestown, for repairing and keeping in repair the highway aforesaid. Owners of benefit-tickets not applying for their money in one year, in case, shall not be entitled to the same.

And be it further enacted,

[SECT. 7.] That each manager or director aforesaid, before his acting in the capacity of manager or director, as aforesaid, shall take the following oath; viz[t]. :—

I, A. B., do swear that I will faithfully execute the trust reposed in me, and that I will not use any indirect act or means to obtain a prize- or benefit-lot for myself or any other person whomsoever, and that I will do the utmost of my endeavour to prevent any undue or sinister practice to be done by any person whomsoever, and that I will, to the best of my judgment, declare to whom any prize-lot or ticket does of right belong, according to the true intent and meaning of the act of this province, made in the thirty-third year of his majesty's reign, [e][*i*]ntituled "An Act for raising a sum of money, by a lottery or lotteries, for the paving and repairing the highway in Charlestown, leading from the ferry to the neck, so called." So help me God. Form of manager's oath.

—which oath shall be administred by any justice of the peace in the county of Middlesex; and every person or persons employed about the lottery or lotteries aforesaid, by the directors aforesaid, shall take an oath for the faithful performance of his trust, to be administred by any one or more of the directors aforesaid, who are hereby impow[e]red to administer the same. All persons employed about the lotteries to be on oath.

And be it further enacted,

[SECT. 8.] That if the whole number of tickets of each lottery, respectively, shall not be sold and disposed of by the said directors within six months after the publication of the scheme of each lottery, respectively, it shall and may be lawful for the town of Charlestown, if they think fit, to take the remainder of said tickets, undisposed of as aforesaid, to their own account: *provided*, that within one month after the publick meeting of said town, to be called for that purpose, a sum of money be raised and paid to the directors aforesaid, sufficient to purchase the remainder of said tickets, which shall in that case be delivered to such person or persons as the said town shall appoint to receive the same; but if the whole of said tickets cannot be sold within the term of six months aforesaid, and the town aforesaid refuse to take the tickets remaining unsold as aforesaid, th[a][*e*]n the money received by the said directors, for the tickets sold, shall be by them returned to the owners of said tickets, upon their delivering up their tickets to the said directors, and the charges arisen shall be defreyed by the said town of Charlestown: *provided*, *nevertheless*, that the said In case the whole number of tickets in each lottery shall not be sold in six months after the publication of the scheme, the town of Charlestown may take the remainder to their own account, provided.

Proviso.

managers shall not hereby be prohibited from carrying on said lottery or lotteries at any other time which they may judge suitable and convenient for the same.

And be it further enacted,

In case of a surplusage, how the same shall be disposed of.

[SECT. 9.] That if the sum raised by means of this act shall be more than sufficient to pave and repair the highway aforesaid, and defrey the charges of the lottery or lotteries aforesaid, and pay the managers aforesaid for their services, as hereinafter expressed, the surplusage shall be applied towards the paving or repairing of such street or streets or highways in the town of Charlestown, as the said town shall direct.

And be it further enacted,

Penalty for persons who forge or counterfeit tickets, &c.

[SECT. 10.] That if any person shall forge or counterfeit any ticket or tickets, to be made in consequence of this act, or alter any of the numbers thereof, or utter, vend, barter or dispose of any false, altered, forged or counterfeit ticket or tickets, or bring such ticket or tickets, knowing the same to be such, to the said directors, or any of them, or to any other person, with a fraudulent intent, every such person or persons, being thereof convicted in due form of law, shall be punished by imprisonment, by being publickly whipped, or by being set in the pillory, at the discretion of the court before whom the conviction shall be, according to the nature and aggravations of the offence.

[SECT. 11.] And the said managers or directors, or any two of them, are hereby authorized and impow[e]red to cause any person or persons bringing out or uttering such false, altered, forged or counterfeit ticket or tickets, as aforesaid, to be apprehended and committed to close goal, to be proceeded against according to law.

And be it further enacted,

Managers to keep account of the time of their attendance, and exhibit the same to the town.

[SECT. 12.] That the directors or managers aforesaid shall keep a particular account of the days of their attendance upon the service aforesaid, and for each day's attendance shall be allowed the sum of six shillings, the same not to be paid out of the monies raised by virtue of this act, unless there be a sufficiency for the purposes aforesaid, and for the payment of such their allowances; and, in case of a sufficiency, they shall exhibit an account of their attendance aforesaid before a publick meeting of the town aforesaid, which account, being examined and found just, shall be paid by the town treasurer aforesaid, upon the order of the said town; but in case there shall not be a sufficiency, the town aforesaid shall make provision for the payment of such manager's allowance aforesaid: *provided*, that no more than three managers aforesaid shall be intitled to such allowance for one and the same day.

And be it further enacted,

Managers to receive accounts of charge, and order payment.

[SECT. 13.] That the managers or directors aforesaid, after the said lottery, or each of the said lotteries, respectively, is finished, shall receive the accounts of all charges arisen thereon, and, having found them just, shall certify the same upon said accounts, and direct the town treasurer aforesaid to pay them off and discharge them.

And be it further enacted,

Selectmen to contract for the work and materials, &c.

[SECT. 14.] That the selectmen of the town of Charlestown aforesaid, for the time being, shall contract and agree for the paving and repairing the highway aforesaid, and for the materials and labour necessary to do the same, at money price, and shall draw on the town treasurer aforesaid for the payment thereof; and, when the said paving and repairs are finished, they shall exhibit a particular account of the cost of the same, and lay it before the town aforesaid at one of their publick meetings, in order to be put on file with their other papers. [*Passed April* 24; *published April* 28, 1760.

CHAPTER 38.

AN ACT TO PREVENT DAMAGE BEING DONE ON A BEACH AT MONUMENT PONDS, IN THE TOWNSHIP OF PLYMOUTH, LYING BETWEEN THE LANDS OF THE LATE THOMAS CLARK AND JOSEPH BARTLET, DECEASED, AND ON A CERTAIN TRACT OF MARSHY GROUND LYING UNDER WATER THERE.

Preamble.

WHEREAS cattle for years past have been suffered to feed on said beach, by which means it has been greatly lowered, and the sand of the same blown into a brook adjoining (which issues out of a fresh pond, into which quantities of alewives formerly used to pass to cast their spawn), as also on a great part of said meadow, thereby preventing the fish passing up to spawn, and occasioning the overflowing of said meadow, to the damage of the proprietors of the said lands and to the publick, —

Be it enacted by the Governour, Council and House of Representatives,

Powers granted to the proprietors of said beach and marsh.

[SECT. 1.] That from and after the tenth day of May next, the proprietors of said beach and marsh shall have full power, at any meeting by them called, to agree upon lowering and keeping down the aforesaid brook, as, by a major vote of said propriety at any such meeting, they shall think proper; and that the charges arising by the same shall be borne from time to time by each proprietor, in proportion to their respective interests.

And be it further enacted,

Penalty for turning neat cattle, horse-kind or sheep, on said beach or meadow.

[SECT. 2.] That no person or persons shall presume to turn or drive any neat cattle, horse-kind or sheep upon the aforesaid beach, or meadow adjoining, on the penalty of ten shillings per head for neat cattle or horses, and three shillings for each sheep, so turned or found upon said beach or meadow; which penalty shall be recovered by any person that shall inform or sue for the same, one half of the forfeiture to him or them that shall inform or sue for the same, the other half for the use of the said proprietors.

And be it further enacted,

Cattle to be impounded, in case.

[SECT. 3.] That if any neat cattle, horse-kind or sheep shall at any time be found feeding on said beach or meadow, it shall be lawful for any person to impound the same, immediately giving notice to the owner or owners of the same if known, otherwise to give publick notice thereof in the town of Plymouth aforesaid; and the impounder shall rel[ei][*ie*]ve said creatures with suitable meat and water while impounded; and if the owner thereof appear, he shall pay two shillings and sixpence for each neat beast or horse-kind, and eightpence for each sheep, and the reasonable cost of rel[ei][*ie*]ving them, besides the pound-keeper's fees. And if no owner appear within the space of three days to redeem the said cattle, horse-kind or sheep so impounded, and to pay the cost and damage occasioned by impounding the same, then and in every such case the person or persons impounding such cattle, horse-kind or sheep, shall cause the same to be sold at publick vendue, and pay the cost and charges arising about the same (publick notice of the time and place of such sale being given in the said town of Pl[i][*y*]mouth, and the two neighbouring towns, forty-eight hours before the sale); and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such cattle, horse-kind or sheep, at any time within two months next after such sale, upon his demanding the same; but if no owner appears within two months, then the said overplus shall be one half to the person impounding, and the other half to the use of the said proprietors.

Cattle, &c., to be sold, in case.

Provided, —

Proviso. [SECT. 4.] That nothing in this act shall be construed to prevent the owners of said beach and meadow from granting liberty to any of their propriety to allow any of the cattle, horse-kind or sheep of the said proprietors to go upon said beach or meadow, as they shall order at any of their legal meetings.

Limitation. [SECT. 5.] This act to continue and be in force for the space of seven years from the tenth day of May next, and no longer. [*Passed and published April* 28, 1760.

CHAPTER 39.

AN ACT FOR ERECTING THE WESTERLY PART OF THE TOWN OF BRIMFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT BY THE NAME OF MONSON.

WHEREAS it has been represented to this court that the inhabitants of the westerly part of the town of Brimfield, in the county of Hampshire, labour under great difficulties by reason of their not being incorporated into a district, and praying they may be so erected, —

Be it enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That the said westerly part of the town of Brimfield — beginning at the ford-way of Cheekobee River, at Benjamin Colton's, the westerly side, thence running a direct course to a chesnut-tree standing a little northerly of a house belonging to the heirs of Ezra King, deceased; thence south, eight degrees west, to the southerly line, and so extending westerly, on the colony line, to Springfield bounds; thence northerly, to the country road that goes from Boston to Springfield; from thence, as the country road runs, to the bridge that crosses said Cheekobee River, and as the said river runs to the place first mentioned — be and hereby is set off and erected into a seperate district by the name of Monson; and that the inhabitants thereof do the duties that are required, and enjoy all privileges that towns do or by law ought to enjoy, in this province, that of sending a representative to the general assembly only excepted; and that the inhabitants of said district shall have full power and right, from time to time, to join with the said town of Brimfield in the choice of a representative or representatives (who may be chosen either in the town or district), in which choice they shall enjoy all the privileges which by law they would have been intitled to if this act had not been made.

Provided, nevertheless, —

And be it further enacted,

[SECT. 2.] That the said district shall pay their proportion of all town, county and province taxes, already set on or granted to be raised, in like manner as tho' this act had not been made.

And be it further enacted,

[SECT. 3.] That John Sherman, Esq^r., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said district, requiring him to notify and warn the inhabitants of said district, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said district. [*Passed April* 28, 1760.

CHAPTER 40.

AN ACT TO SUPPLY THE TREASURY WITH FOUR THOUSAND FIVE HUNDRED POUNDS.

Preamble.

WHEREAS this court have agreed to raise five hundred men to re-l[ei][*ie*]ve so many of those in the pay of this province as are posted at Louisbourg and Nova Scotia; and it being necessary that there be a sum of money immediately borrowed to pay said men such bounty as is agreed upon and voted by this court, —

Be it enacted by the Governour, Council and House of Representatives,

Treasurer empowered to borrow £4,500.

[SECT. 1.] That the treasurer of this province be and he hereby is directed and impowered to borrow the sum of four thousand five hundred pounds, in Spanish mill'd dollars at six shillings each, or in coined silver, of sterling alloy, at six shillings and eightpence per ounce; and the said sum of four thousand five hundred pounds, when borrowed, shall be issued by the governour or commander-in-chief, by and with the advice of the council, for paying said bounty, and for no other use whatever; and in case there be a surplus, it shall remain in the treasury for the further order of this court.

And for the sum so borrowed, the treasurer shall give a receipt or note in the form following: —

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of , 1760.
Received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or order, the twentieth day of June, one thousand seven hundred and sixty-four, the aforesaid sum of , in coined silver, of sterling alloy, at six shillings and eightpence per ounce, or in Spanish mill'd dollars, at six shillings each, with interest, annually, at the rate of six per cent per annum.
Witness my hand, A. B., Treasurer.

—and no receipt or obligation shall be given for less than six pounds.

And to enable the treasurer to discharge the obligations by him given in pursuance of this act, —

Be it enacted,

Tax of £5,500, in 1763.

[SECT. 2.] That there be and hereby is granted to his most excellent majesty, a tax of five thousand and five hundred pounds, to be levied on polls and estates within this province, according to such [rolls] [*rules*] and in such proportions as shall be agreed upon and ordered by the general court of this province at their sessions in May, one thousand seven hundred and sixty-three, and before the twentieth day of June, one thousand seven hundred and sixty-three; and if there should be a surplus, it shall remain in the treasury for the order of this court.

And be it further enacted,

Rule for apportioning the tax, in case.

[SECT. 3.] That in case the general court shall not, by the twentieth day of June, one thousand seven hundred and sixty-three, agree and conclude upon a tax act to draw into the treasury the aforesaid sum of five thousand and five hundred pounds, by the thirty-first day of March then next after, that then the treasurer of the province shall issue his warrants, directed to the assessors of the several towns and districts within this province, requiring them, respectively, to assess, levy and pay their respective proportions of said sum, according to the proportions, rules and directions of the then last preceeding tax act. [*Passed and published April* 28, 1760.

NOTES.—There were five sessions of the General Court this year. In the heading of the record of the fifth session, which began April 16, 1760, it is called the fourth; but to treat this new assembling of the Court, after a recess of two weeks, as a continuation of the fourth session would be neither in accordance with the plan adopted in this edition, nor agreeable to the practice in previous years.

The engrossments of all the acts of the first session, and of chapters 8, 10, 17, 18, 19, 20, 25, 26, 27, 28, 30, 33, 35 and 39, are missing. All the acts of this year were printed (chapter 2 and 27 separately) except chapters 31 and 39. The latter act has been here restored from a MS. record of acts, in the Secretary's office; and chapter 27 is here printed from the original bill.

The acts of the first session were duly certified for transmission, September, 29, 1759. They were read in the Board of Trade January 22, 1760, delivered to the clerk of the Privy Council, in waiting, February 4, and referred to the committee, of the Council, on plantation affairs February 6. The Committee took them into consideration February 20, and referred them back to the Board of Trade where they were read March 11, 1760, and "referred to Sir M. Lamb for his opinion thereupon in point of Law." On the same day the acts of the second session were laid before the Board, where they were read and ordered to be "delivered to the clerk of the Privy Council, in waiting, to be laid before His Majesty." They were received by the clerk of the Council March 13, and immediately referred to the committee, of the Council, on plantation affairs, who, on the same day, took them into consideration and referred them back to the Board of Trade to examine and report &c. They seem not to have reached the Board under this reference until March 17, and were there read on the twenty-first.

The acts of the third, fourth and fifth sessions were certified for transmission, May 30, 1760, delivered to the clerk of the Privy Council, in waiting, July 25, and, on the 12th of August, referred to the committee, of the Privy Council, on plantation affairs. On August 28, they were taken into consideration by the committee and referred to the Board of Trade to examine and report &c. The Board of Trade, on the nineteenth of November took up these acts and the order referring them, and ordered that such of them as had "not expired by their own Limitation, be referred to Sir Matthew Lamb for his opinion thereupon in point of Law." Sir Matthew Lamb's report is dated January 12, 1761, and concludes that, upon perusal and consideration of chapters 15, 18, 19, 20, 21, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 38 and 39, (chapters 16, 17, 22, 25, 27, 35, 36, 37 and 40 having expired by their own limitation) he had "no objections thereto in point of law."

This report and the acts to which it related were taken into consideration by the Board April 17, 1761, when it was ordered that a draught of a letter to the Governor be prepared "expressing the Board's dissatisfaction at the practice which has of late so much prevailed in that Province, of raising Money for tempory and inconsiderable Services by Lottery," (See note to chap. 35, *post*.) and also that chapter 26 be further considered as shown in the note to that chapter *post*.

Chap. 1. "April 24, 1760. In the House of Representatives Voted, that the sum of Two hundred pounds be granted and paid out of the Publick Treasury to his Excellency the Governor in consideration of his Services in the Government hitherto, and for his better accommodation in his passage to Great Britain.

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIII., p.* 366.

Chap. 2. "Oct. 18, 1759. A Petition of Gershom Crane and Others Selectmen of Berkley Setting forth the low and poor circumstances of said Town and Praying for the Remittance of a Fine of Ten pound laid upon them by the House of Representatives at their Session in May last for not sending a person to represent them in Court.

In the House of Representatives. Read and Ordered That the Prayer of this Petition be granted, and that the Fine above mentioned for not sending a Representative be remitted accordingly.

In Council. Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXIII., p.* 103.

"Feb. 2, 1760. A Petition of Amos Whitney and Others Selectmen of Townshend Setting forth the smallness and poverty of said Town which occasioned their not sending a Representative to the Great and General Court. And Praying that the Fine laid upon them for such Neglect may be remitted.

In the House of Representatives. Read and Ordered That the Fine abovementioned be remitted, and that the Sum of Ten pounds be allowed and paid out of the Publick Treasury accordingly.

In Council. Read and Concurred. Consented to by the Governor "—*Ibid, p.* 243.

"Feb. 7, 1760. To Amos Whitney and others Selectmen of Townshend the sum of of Ten pounds a Remittance of a fine for not sending a Representative to the Great and General Court this present Year."—*Executive Records of the Council, vol.* 4, *p.* 175.

"Feb. 9, 1760. A Petition of Moses Farnum and others of the People called Quakers—Setting forth. That the sums Assessed on them in consequence of a Law of the Province for hiring men to go into the Service the last Year exceed the sums that were actually disbursed on that Account. And Praying Relief.

In the House of Representatives. Ordered That the Petitioners serve the several Captains therein named with copies of this Petition that they make Answer to the Articles Alledged against them in said Petition on the first Friday of the next Sitting of this Court; and that the constables or Collectors to whom the several Lists

in which the Quakers referred to in the Petition are included, be directed to make no distress on such Quakers 'till the further Order of this Court.

In Council Read and Concurred Consented to."—*Council Records, vol. XXIII., p.* 264.

"Feb. 12, 1760. A Petition of Jonathan Whitcomb and others Selectmen of Littleton—Setting forth—That in April last one Cornelius Thayer of Boston came to dwell with one Simon Tuttle of Littleton as an Apprentice, that the Selectmen Supposing him to be of Age rated him for his Poll, but afterwards finding him to be under Age, and a Servant to said Tuttle they erased the said Servants name, and added his Poll Tax to his said Masters Rate, And Although this was done without Suspecting themselves of doing Wrong, yet as some illminded Persons would take Advantage hereof, and refuse paying their own Tax as supposing the whole Rate made void by this Alteration Praying that the same may be Confirmed by this Court.

In the House of Representatives Read and Ordered That the Prayer of the Petition be so far granted as that the Tax Bill with the Alteration mentioned shall be valid to all Intents and Purposes. And the Constable is hereby impowered to collect the Rates accordingly.

In Council Read and Concurred Consented to by the Governor.

In the House of Representatives Whereas a Tax was laid on the Quakers in the Several Towns within this Province in the year 1759 in order to raise the Quota of Men to go into the General Service: and said Tax much exceeds the sum drawn out of the Publick Treasury for said use Complaint also being made by some of the Members of the Towns in this Province of the burthen falling on them in consequence of said Tax. Therefore Voted That the Constables or Collectors in such Towns be directed to make no distress on the Quakers in said Town for the Tax so laid 'till the next Sitting of this Court.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 269.

"March 21, 1760. A Petition of Moses Farnum and Samuel Aldrich of Uxbridge Praying as entered the 9th February last. In Council Read again together with the Answer of Capt Phineas Lovet, and Ordered That William Brattle and Ichabod Plaisted Esqrs with such as the honourable House shall join be a Committee to take the same under Consideration as soon as may be, hear the Parties and report.

In the House of Representatives Read and Concurred and, Capt Livermore, Major Stockbridge and Mr Tyler are joined in the Affair."—*Ibid., p.* 283.

"March 28, 1760. In the House of Representatives. On a Motion made and seconded Ordered That the several Collectors in the Town of Boston for the Province Tax the Year past, be directed not to distrein for the sums due from any of the Persons whose Dwellings were Consumed in the late terrible Fire, and such others as have lost all or most of their Substance by said Fire until the next sitting of this Court And in the mean time the Selectmen of Boston be directed to make an Estimate of the Losses Sustained by said Persons as near as may be and lay the same before this Court at that time.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 320.

"March 29, 1760. In the House of Representatives. Whereas there is added to the last Province Tax Act for the County of Bristol the sum of £1389 13 4 said to be drawn out of the Province Treasury to hire Men in lieu of Quakers for the late Expedition against Canada and it Appears to this Court that no more than the sum of £497 6 4 was actually paid by the Treasurer—Therefore Voted That £661 13 4 be allowed and paid out of the Province Treasury for the respective Towns following vizt

Dartmouth	£555	0	8
Taunton	8	18	4
Swanzey	80	5	
Freetown	17	10	
	£661	13	4

And the sums hereby granted be abated to the several Persons in the respective Towns that have been Assessed, as the Selectmen or Assessors shall think proper and that the residuary sum of Two hundred thirty pounds fourteen shillings be appropriated to the uses following vizt Twenty eight pounds for satisfying a demand which Capt Ebenezer Willis of Dartmouth hath against the Quakers for having hired Men into the Publick Service in their stead: and that the sum of £202 14 rest in the Treasury for the further order of the Goverment, being the sum the said Quakers stand chargeably with for having fell short of their proper Quota of Men raised for the Service A: D 1759.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 322.

"April 24, 1760. In the House of Representatives Resolved that the Assessments in the Town of Dartmouth as made by the Assessors of said Town for the Year 1759 with the abatement of the Quakers proportion for hiring Men for the Service in lieu of Quakers agreeable to a late order of this Court be, and they are hereby ratified and confirmed, Notwithstanding they were made by the Assessors for the Year 1759 after Assessors were Chosen for said Town in the Year 1760. And the several Constables in said Town for the Year 1759, to whom said Assessments were committed to collect are hereby fully impowered to collect the same, and shall be held to account with the respective Treasurers agreeable to their respective Warrants any supposed defect in said Assessments Notwithstanding.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 360.

"June 20, 1760. In Council Ordered that the Petition of Samuel Aldrich, and Moses Farnum of Uxbridge, Praying as entered the 9th of February last be revived, and that William Brattle, and Ichabod Plaistead Esquires with such as the Honble

House shall join, be a Committee to take the same under consideration, hear the Parties, and report as soon as may be.

In the House of Representatives; Read and Nonconcurred, and Ordered that the Petition be dismissed. Consented to by the Lieut Governor."—*Ibid., p.* 479.

"Dec. 20, 1760. A Petition of Hezekiah Hall of Uxbridge in the County of Worcester—Setting forth, that he was chosen Constable of said Town, in the Year 1759, and was duly sworne to Collect the Rates and Taxes committed to him, that there was included in the List of Assessments delivered, a number of Quakers Inhabitants of said Town, whose Taxes amounted to Fifty seven pounds three shillings and nine pence. That the Great and General Court at their Sessions in February last were pleased to order that the Constables or Collectors, to whom the several Lists in which, the Quakers (referred to in a certain Petition then before the Court) were included, be directed to make no Distress on such Quakers, till the further order of the said Court—That your Petitioner looked upon himself Obliged to conform to the said Order, and deferred distraining upon the said Persons, until the further Order of this Honble Court, that he apprehended the Treasurer would be restrained from issuing his Execution against him, for the sums due from the said Persons, as he has paid him more than the full of the other Assessments—Notwithstanding which the Province Treasurer has issued an Execution, against your Petitioner for a less sum than is the said Quakers Proportion of the Tax committed to him to collect, while he is prohibited from demanding the same of them, and the same Execution was last Monday served upon your Petitioner by one Moor a Deputy Sheriff for the County of Worcester, who refused giving him an oppertunity to apply to this Honble Court for Redress without paying him his Fees for serving the same, Amounting to thirty five shillings your Petitioner accordingly paid him that sum, and engaged to meet him at a certain day to pay the Amount of said Execution unless relieved by this Court—Praying that he may be released from said Arrest, and that the Treasurer may be Ordered to withdraw said Execution, and pay him the said sum of Thirty five shillings, and the other Charges he has been at, in this Affair, or be otherwise relieved.

In the House of Representatives; Read and Ordered that Mr Lancaster, Capt Livermore and Colo Williams, with such as the honourable Board shall join, be a Committee to take this Petition under consideration, and report what they judge proper to do thereon,

In Council; Read and Concurred, and Samuel Watts and Benjamin Lincoln Esqrs are joined in the Affair."—*Ibid., p.* 515.

"Dec. 27, 1760. A Petition of Nathan Nye, and John Sherman Constables of Rochester, representing the difficulties they labour under with respect to the Tax laid upon one John Sherman a Quaker—Praying the direction of this Court thereupon.

In the House of Representatives; Read and Ordered that the Prayer of this Petition be so far granted as that the Treasurer be directed to stay Execution against John Sherman, for the four pounds, nineteen shillings, and three pence, till the further Order of this Court. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 536.

"Dec. 27, 1760. On the Petition of Samuel Aldrich and Moses Farnum junr of Uxbridge Quakers—as entered the 9th day of February 1760.

In Council; Read again and Ordered that this Petition be revived, and upon further consideration had thereon, Ordered that the same be dismissed.

In the House of Representatives; Read and Concurred."—*Ibid., p.* 538.

"Dec. 31, 1760. A Petition of Elisha Adams, Representative for the Town of Medway, in behalf of said Town—Setting forth that in the Year 1759, the General Court in the May Sessions imposed a Fine of Twenty pounds, on said Town for not sending a Person to represent said Town, the same Year Praying for the reasons in said Petition mentioned that the Fine so imposed may be remitted.

In the House of Representatives: Read and Ordered that the Prayer of this Petition be granted, and the Treasurer is directed to pay the Representative of Medway, the sum of Twenty pounds, for the use of said Town accordingly.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 544.

"Jan. 2, 1761. A Petition of Ezra Taylor of Southborough, in the County of Worcester, in behalf of said Town—setting forth that in the Year 1759, there was a fine of Twenty pounds laid on said Town for not sending a Representative, and that the Fine was as large as was laid on any Town in the Province—Praying the said Fine may be remitted.

In the House of Representatives; Read and in Answer Ordered, that the Treasurer be directed to pay the Petitioner the sum of Ten pounds, out of the Treasury, for the use of the said Town.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 551.

"Jan. 6, 1761. A Petition of Solomon Wood, Representative for the Town of Uxbridge—Setting forth that said Town was Fined fifteen pounds in the Year 1759, for not sending a Representative, that they are a very small Town &cs. Praying said Fine may be remitted.

In the House of Representatives; Read and in Answer Ordered that the sum of Eight pounds, be allowed to be paid out of the Publick Treasury to Captain Wood, for the use of said Town of Uxbridge,

In Council; Read and Concurred Consented to by the Governor."—*Ibid., p.* 561.

"Jan. 16, 1761. The Comtee on the Petition of Hezekiah Hall find that upon the Petition of Samuel Aldrich and others called Quakers this Honourable Court passed an Order that the abovementioned Petitioner should not proceed to Collect any Moneys laid on the Quakers for the procuring Men to go in his Majesty's Service which Petition has since been dismissed.

The Committee are therefore humbly of Opinion that an Order now pass directing and Impowering the said Hezekiah to Compleat his Collections on the Quakers, any former order of this Court to the Contrary Notwithstanding, and upon his paying in the Moneys to the Province Treasurer he be allowed the sum of thirty five shillings mentioned in the Petition.

All which is humbly submitted

Samuel Watts ℔ order

In Council Read and Accepted: and Ordered That the Petitioner Hezekiah Hall, a Constable of the Town of Uxbridge in the Year 1759, be and he hereby is directed and impowered to compleat the Collection of the sums Assessed on the Quakers in said Town any former Order of this Court to the Contrary Notwithstanding, and that upon his paying in the money to the Province Treasurer, he be allowed the sum of thirty five shillings charges he has been at in the Affair.

In the House of Representatives; Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 603.

"Jan. 19, 1761. A Petition of Solomon Wood, in behalf of Joseph Taft Constable of Uxbridge, and Joseph Benson Constable of Mendon Setting forth that the said Constables had the Quakers Rates in the Year 1759. Committed to them to Collect; that by an Order of this Court they were stayed from Collecting the same, that the Province Treasurer has issued an Execution against them for said Taxes—Praying Relief.

In the House of Representatives; The House taking into consideration the foregoing Petition, Voted that Josiah Taft Constable of Uxbridge, and Joseph Benson Constable of Mendon be directed and Impowered to proceed in Collecting the several Taxes in their several lists laid on the Quakers for Levying Soldiers for his Majesty's Service in the Year 1759, Notwithstanding any former Orders of this Court to the Contrary and that the Treasurer be directed to allow the said Constables their Costs of the Executions which have been levied upon them by the Treasurer.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 611.

"April 17, 1761. A Petition of Silvanus Wing of Hanover of the People called Quakers Setting forth. That he hath during the War never scrupled doing his proportion to the support thereof. That his Father and one of his sons have gone in Person, and another son went ahand in a Transport Vessel and was taken by the Enemy, and afterwards put on board one of his Majesty's Ships of War and is still held in the Service Notwithstanding which he is by force of a late Law assessed £ 13 2 4 and another of his sons £ 2 11 1 And Praying Relief.

In the House of Representatives, Read and Voted That the Prayer of this Petition be so far granted as that the Town of Hanover be, and is hereby ordered exclusive of Quakers to pay unto the Petitioner Silvanus Wing the sum of thirteen pounds two shillings and four pence being what he is assessed in the Assessment mentioned in his Petition.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 745.

"April 20, 1761. In the House of Representatives; Voted that the consideration of the Petitions of Moses Farnum and Samuel Aldridge be referred till the next May Session, and all Actions and proceedings relative to said Petitions are stayed in the meanstime.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 762.

"Nov. 28, 1761. A Petition of Joseph Benson of Mendon—Setting forth That in the Year 1759 he was chosen Constable and had committed to him a rate or Tax to collect amounting to £102—assessed upon the People called Quakers in the said Town, that soon after the Tax was committed to him, he received directions from the General Court not to proceed in collecting the said Tax until further order; that when he had received such further order he proceeded to collecting the money, and did accordingly receive the same; excepting as follows viz[t] of Benjamin Thayer £1-9-5 of Job Hardy £1-7-5 of Samuel Basset 13/8, of Daniel Southwick £1-9-5 of Benjamin Cook £1-7-5 and Daniel Cook £1-7-5, That in the interval of the two orders aforesaid, Benjamin Thayer died leaving no Estate, and Job Hardy and Daniel Southwick quitted the Province leaving no Estate, no have the two Cooks or Basset any Estate whereon to levy the Tax, And Praying that he may be acquitted of the several sums before mentioned.

In the House of Representatives Read and Voted That the sum of 29/5 the tax laid on Benjamin Thayer and the sum of 27/5 the Tax laid on Job Hardy in the whole two pounds, sixteen shillings and ten pence be allowed and paid out of the Province Treasury to the Petitioner Joseph Benson, and that said sum be paid to M[r] Nathanael Nelson for the use of the Petitioner.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *vol. XXIV.*, *p.* 166.

"Feb. 9, 1762. A Petition of the Town of Topsfield by their Agent John Gould, Praying that the Fine of Ten pounds laid on them by the House of Representatives the last Year* for not sending a Representative to the Great and General Court then sitting may be remitted; their not sending being occasioned by the great expence they were at in Building a New Meeting House and in laying out a Public Road in said Town.

In the House of Representatives Read and Ordered That this Petition be revived, and the Prayer thereof be granted; and that the sum of Ten pounds be granted out of the Public Treasury to the Petitioner for the use of said Town accordingly. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 246.

"June 5, 1762. A Petition of Jacob Cooper of Stockbridge—Setting forth That

* 1759–60.

He was chosen Constable in the said Town for the Year 1759, and had the Province Rate for that Year committed to him to collect; but never received any Warrant from the Treasurer to enable him to collect the same: that he proceeded however to collect a part of the said Tax which has been paid to the Treasurer, and a part he could not collect for want of a Warrant; yet Execution is issued against him for the said Rates, And Praying that either the Force of said Execution may be prevented, or that he may be enabled to collect the said Rates.

In the House of Representatives Resolved That the Treasurer be directed to give his Warrant to the Petitioner to enable him to collect the Tax, and that Execution be stayed four Months—In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 407.

See, also, note to 1761-62, chapter 17.

Chap. 4. "June 9, 1759. A Petition of Jonas Houlton Agent for the District of New Salem in the County of Hampshire—Setting forth That the last Winter they had a Country Road laid through said District of about eight Miles in length, and four rods wide. That said District is yet in its Infancy, and labour under great burdens in supporting their Minister, and must be at great Charge in making said Road. And praying there may be a Tax of one peny ℔ Acre laid on the unimproved Lands of the Non resident proprietors of said District for the term of three years to enable them to defrey said Charges.

In the House of Representatives Read and Ordered That the Petitioner notify the Non resident proprietors of the District within mentioned with a Copy of this Petition by inserting the substance thereof in one of the Boston News Letters three weeks successively, that so they shew cause (if any they have) on the second Thursday of the next Sitting of this Court why the Prayer thereof should not be granted.

In Council. Read and Concurred."—*Council Records, vol. XXIII.*, *p.* 39.

"Jan. 5, 1760. A Petition of Jonas Houlton as entered the 9th of June last;

In Council Read again with the Answer of the Non Resident Proprietors of the District of New Salem. And Ordered That Benjamin Lincoln and William Brattle Esqrs with Such as the honourable House shall appoint be a Committee to take this Petition and Answer under Consideration, and report what they judge proper for this Court to do thereon.

In the House of Representatives. Read and Concurred and Major Hartwell, Mr Day and Mr Temple are joined in the Affair."—*Ibid.*, *p.* 150.

"Feb. 9, 1760. The Committee appointed the 5th January on the Petition of Joseph Houlton Agent for the District of New Salem presented their Report (Signed)

BENJA LINCOLN ℔ order.

And thereupon In Council Resolved That the whole of the unimproved lands in the District of New Salem be taxed at one farthing ℔ Acre for four Years next ensuing, the money raised thereby to be applied for the making and repairing the High ways in said District, and for no other purpose whatsoever. And the Clerk of said District is hereby directed to transmit Yearly and every Year to some one of the Principal Non Resident Proprietors an Exact Account of the sum raised and of the Application thereof, And Also to transmit as aforesaid within Six months next ensuing an Account of the Application of the last Tax, granted by said Proprietors

In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 264.

Chap. 5. "Oct. 5, 1759. A Petition of Joseph Holden and Others, Inhabitants of a New Plantation called No 2. Praying that they may be incorporated into a Town or District, and that they may be freed from the Province Tax this year in case they shall be thus incorporated. Also Praying That the Lands of the Nonresident Proprietors may be subjected to a Tax for seven years next ensuing towards the Support of the Gospel, and laying out and clearing Roads in said Plantation.

In the House of Representatives. Read and Ordered That the Petitioners serve the Non-resident Proprietors of the Plantation abovementioned with a copy of this Petition by inserting the Substance thereof in one of the Boston News Papers three weeks successively, that so they may shew cause if any they have on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted.

In Council. Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXIII.*, *p.* 66.

"Jan. 9, 1760. A Petition of a Number of Inhabitants of Narragansett No 2. Praying as entered the 5th of October last.

In Council Read again with the Answer of the Non Resident Proprietors. And Ordered That Benja Lynde and Benjamin Lincoln Esqrs with Such as the honourable House shall join be a Committee to take the same under consideration, and report what they judge proper for this Court to do thereon.

In the House of Representatives. Read and Concurred and Mr Russell, Cole Whitcomb and Capte Read are joined in the Affair."—*Ibid.*, *p.* 158.

"Feb. 8, 1760. The Committee appointed the 9th of January last on the Petition of a Number of the Inhabitants of Narraganset No 2 Praying as entered the 5th of October preceding made Report. (Signed)

BENJA LYNDE ℔ order of the Comtee.

In Council Read and Accepted and Ordered That there be a Tax of one half penny ℔ Acre laid on the lands of the non resident Proprietors of the District of West Minster, as also upon a Tract of 500 Acres laid out to the late Governor Belcher included in the bounds of said District, the money so raised to be applied

towards defreying ministerial Charges in said District and that the Inhabitants thereof be Authorized and impowered to Appoint Assessors and Collectors of said Tax who are hereby Vested with the like Power as other Assessors and Collectors, and are to govern themselves according to Law in discharge of the duties of said Offices.

In the House of Representatives Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 258.

"June 13, 1760. In Council, Whereas an Order passed the Great and General Court, on the 8th of February last, laying a Tax of one half penny ℔ Acre, on the Lands of the Non Resident Proprietors of the District of West Minster, as also upon a Tract of 500, Acres laid out to the late Governor Belcher, included in the bounds of said District,—

Resolved, that said Tax of one half penny ℔ Acre be Assessed on the Lands aforesaid for the Term of four Years, next ensuing Viz^{t} One half penny ℔ Acre ℔ Annum during said Term Agreeable to the Report then made by a Committee of said Court, and to be raised and applyed, in manner as directed in said Order.

In the House of Representatives Read and Concurred Consented to by by the Lieutenant Governor."—*Ibid.*, *p.* 438.

"Nov. 18, 1761. A Petition of Joseph Miller and a number of others, Inhabitants of Westminster, Setting forth, That being incorporated into a District in 1759, They have ever since proceeded to call their Meetings by posting up Notifications at the Meeting house instead of directing a Warrant with a Seal affixed to the Constable; that this method tho' irregular hath never occasioned any difficulty among them, saving that in September last being in like manner notified to Assemble in order to pass upon a Vote of the Church calling M^{r} Peter Thacher Smith to the Gospel Ministry in said District, which Vote of the Church was then unanimously concurred, but three of the Inhabitants entered their dissent, on account of the Meetings not being legally warned. And Praying that their said Meetings may be established.

In the House of Representatives Voted That the Prayer of this Petition be so far granted as that the Votes passed by the District of Westminster at their several Meetings since November 14: 1759 be and hereby are confirmed as good and valid in law Notwithstanding the sundry defects in the method of calling them as mentioned in said Petition. Provided said Meetings have been otherwise legal.

In Council Read and Nonconcurred. And Ordered That the Petitioners notify the Town of Westminster by serving the Town Clerk with a copy of this Petition that the said Town or any Persons aggrieved therein; shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted. In the House of Representatives Read and Concurred."—*Ibid.*, *vol. XXIV.*, *p.* 109.

"Jan. 22, 1762. A Petition of a Number of Inhabitants of Westminster, Praying as entered the 18th of November last.

In Council Ordered That the foregoing Petition be revived, and that the Prayer thereof be so far granted as that the Votes & Proceedings of the Inhabitants of the District of Westminster at their several Meetings since November 14th 1759 be, and they are hereby confirmed and shall be deemed valid in Law, the defects in the manner of calling them (in said Petition mentioned) Notwithstanding, Provided such Votes & Proceedings have been otherwise agreeable to Law. In the House of Representatives; Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 193.

"June 5, 1762. A Petition of a number of the Nonresident Proprietors of the District of Westminster, — Setting forth — That they have been at great expence in bringing forward the Settlement of the said place, and that not long since on the Petition of a number of the Inhabitants to the General Court there was a tax of one half peny an Acre laid upon the Lands of the Nonresidents for four Years, and it was then agreed that they should be then exempt from any further burdens. notwithstanding which a Proprietors Meeting was called and the Residents being a Majority, or near it, they laid a Tax of nine shillings or thereabouts on each Right, which the Petitioners apprehending to be contrary to the Agreement made before the General Courts Com^{tee} they have declined paying; and their Lands are put upon Sale for the payment of the said Tax. And Praying Relief

In the House of Representatives Read and Ordered That the Petitioners notify the Resident Proprietors of the within named District, of this Petition by leaving a copy thereof with the Proprietors Clerk that they make answer thereto (if they see cause) on the second Wednesday of the next Sitting of this Court; and that all Proceedings of the Proprietors Committee respecting the Sale of the Lands mentioned be stayed till the further order of this Court. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 406.

"Sep. 16, 1762. A Petition of a Number of the Nonresident Proprietors of Westminster, complaining of their Lands being Sold for the payment of Taxes; and praying Relief as entered the 5th June last.

In Council Ordered That the further consideration of this Petition be referred to the second Wednesday of the next Sitting of this Court; and that all proceedings of the Proprietors Committee respecting the Sale of the Lands mentioned be stayed 'till the further Order of this Court. In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 475.

"Jan. 20, 1763. A Petition of Hezekiah Gates and others Proprietors of the District of Westminster, Praying that the proceedings of their Committee in the Sale of Lands for the Nonpayment of Taxes may be stayed for the reasons therein mentioned as entered 5th June last.

In Council Read again together with the Answer of the Resident Proprietors of

Westminster: And Ordered That James Otis & Nath[l] Ropes Esq[rs] with such as the honourable House shall join be a Committee to take the Petition and answer under consideration and report. In the House of Representatives Read and Concurred and M[r] Paine, Cap[t] Brooks and Cap[t] Foster of Brookfield are joined in the Affair."—*Ibid, p.* 509.

"Jan. 29, 1763. The Committee appointed the 20[th] Instant on the Petition of Hezekiah Gates and Others Proprietors of Westminster, having made Report, the following Order passed thereon —

In Council Read and Accepted And Ordered That the Tax of nine shillings or thereabouts on each Nonresident Proprietors Right in the District of Westminster as mentioned in the Petition of Hezekiah Gates and Others Nonresident Proprietors of the said District be set aside as unreasonable; and that all proceedings in the levying the same be wholly stayed — In the House of Representatives; Read and Concurred Consented to by the Governor."—*Ibid., p.* 533.

Chap. 6. "Feb. 8, 1759. A Petition of Benj[a] Houghton and Others Proprietors and Inhabitants of sundry Farms contiguous to Rutland East Wing so called, and also Proprietors of said Wing, Setting forth That the said Farms and Eastwing together do not contain six miles square; that they are capable of making a good Township united; but are not seperately able to perform the duties requisite in such case. And praying that they may be incorporated as a Town accordingly.

In the House of Representatives Read and Ordered That the Petitioners serve the Proprietors and Inhabitants of the East Wing of Rutland (so called Non Petitioners) with a Copy of this Petition by inserting the substance thereof in one of the Boston News Papers three weeks successively; that so they shew cause (if any they have) on the second Thursday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXII., p.* 553.

"June 8, 1759. A Petition of the Proprietors and Inhabitants of sundry Farms lying between Lancaster and Narraganset N[o] 2. and contiguous to Rutland East Wing so called — Praying as entered 7 Feb[y] last to be erected into a distinct Township.

In Council. Read again together with the Answer of the Inhabitants and Proprietors of the East Wing of Rutland and Ordered That Samuel Watts and Benj[a] Lincoln Esq[rs] with Such as the honourable House shall appoint be a Committee to take the same under consideration, hear the Parties and report what they judge proper to be done thereon.

In the House of Representatives. Read and Concurred and Col[o] Lawrence, Col[o] Gerrish and Col[o] Whitcombe are joined in the Affair."—*Ibid., vol. XXIII., p.* 24.

"June 9, 1759. The Committee appointed yesterday to consider the Petition of the Proprietors or Inhabitants of certain Farms between Lancaster and Narraganset N[o] 2. contiguous to Rutland East Wing made report that they had heard the Parties for and against the Petition, and were of Opinion That in order to have a clear understanding of the sundry things mentioned in said Petition a Committee be appointed and sent by this Court to veiw the Farms and the East Wing abovementioned and report to this Court. The Charge of this Committee to be borne as this Court shall hereafter order. (Signed) SAM[L] WATTS #[r] Order.

In Council. Read and Ordered That this Report be accepted and that Gamaliel Bradford Esq with Such as the honourable House shall appoint be a Committee for the purposes therein mentioned

In the House of Representatives. Read and Concurred and M[r] Witt and Col[o] Gerrish are joined in the Affair."—*Ibid., p.* 34.

"Oct. 11, 1759. The Committee appointed the 19 June last on the Petition of sundry Proprietors and Inhabitants of Land in and near Rutland — Reported That they had repaired to the Land mentioned in said Petition veiwed the same and heard the Parties and were of Opinion that the prayer of the Petition be granted, and that the said Farms together with said Eastwing be incorporated into a seperate District agreeable to a Plan accompanying said Petition; and that the Petitioners have liberty to bring in a Bill accordingly

In Council. Read and Accepted. And Resolved that the Petitioners have liberty to bring in a Bill accordingly for incorporating the Lands mentioned in said Petition into a District agreeable to a Plan accompanying said Petition. And that Cap[n] Richardson be directed to bring in the Bill.

In the House of Representatives. Read and Concurred."—*Ibid., p.* 89.

"June 4, 1760. A Petition of the Inhabitants and Proprietors of the District of Prince Town, setting forth that the Charges arising in maintaining the Preaching of the Gospel among them, together with the Building a meeting House, Settling a minister, and making Roads, will be attended with great expence — Praying a Tax may be laid on all the Lands within the said District, for defreying the Charges aforesaid, of four pence #[r] Acre, for the first Year, three pence #[r] Acre for the second Year, and two pence for the future, so long as said Court shall think proper.

In the House of Representatives, Read and Ordered that the Petitioners serve the non resident Proprietors, as also the Resident Proprietors, non Petitioners of said District, with a Copy of this Petition, by inserting the substance thereof in two of the Boston Monday's News Papers, three Weeks Successively That so they shew Cause if any they have on the Second Wednesday of the next Sitting of this Court, why the Prayer thereof should not be granted.

In Council Read and Concurred."—*Ibid., p.* 405.

"June 12, 1760. In the House of Representatives. Whereas part of the Town of Brimfield, in the County of Hampshire, hath latly been erected into a seperate District, by the name of Monson and that part of Rutland called the East Wing, in

the County of Worcester with Sundry Farms Contiguous thereto hath been erected into a District, by the Name of Prince Town, notwithstanding which the said Towns of Brimfield and Rutland are Assessed in full Proportion, to their former Taxes, Therefore Voted, That the Assessors of the Town of Brimfield be, and they hereby are impowered and directed to Assess the Polls and Estates of the Inhabitants of said District of Monson their due Proportion, as usual to the Province Tax, set on said Town of Brimfield, and that the Assessors of the Town of Rutland be, and they hereby are impowered, and directed to Assess the Polls and Estates of those Inhabitants of said District of Prince Town, formerly called the East Wing of Rutland their due Proportion, as usual to the Province Tax laid on said Town of Rutland.

In Council Read and Concurred Consented to by the Lieutenant Governor."—*Ibid., p.* 454.

"Dec. 24, 1760. On the Petition of Abijah Moore and others Inhabitants of Prince Town, as entered June 4: 1760.

In Council Read again, together with the Answer of a Number of the Non Resident Proprietors of Prince Town and Ordered that Gamaliel Bradford Esq^r^ with such as the honourable House shall join, be a Committee to take the Petition and Answer under consideration, and report what they judge proper for this Court to do thereon.

In the House of Representatives Read and Concurred and M^r^ Witt and Col^o^ Whitcomb are joined in the Affair."—*Ibid., p.* 528.

"Dec. 31, 1760. On the Petition of the Inhabitants of Prince Town, Praying a Tax may be laid on said District as entered the 4^th^ day of June 1760 and 24: Decem^r^ 1760.—In Council The Committee on the foregoing Petition having reported in favour of a Tax of two pence per Acre for three Years—Ordered That the said Report be accepted: and that there be a Tax of two pence per Acre assessed on the Lands mentioned in said Petition for the term of three years next ensuing to be applied for the purposes therein mentioned

In the House of Representatives Read and Concurred—Consented to by the Governor."—*Ibid., p.* 547.

"Jan. 16, 1761. A Petition of Zachariah Harvey in behalf of the Inhabitants of Prince Town—Setting forth that the Inhabitants of said Town are all beginners, scarcely able to support their Families, that they have been at great Expence in Settling a Minister building a meeting house and making Roades, and are not able as yet to pay Taxes—Praying they may be excused from Paying Rates to Rutland, and to the Province as usual

In the House of Representatives; Voted that the Prayer of this Petition be granted, and that the Treasurer of this Province, be, and hereby is directed to remit to the Town of Rutland the sum of thirty one pounds, one shilling and seven pence being the sum Assessed by the Assessors of the Town of Rutland, Agreeable to a Vote of this Court in June last on the Polls and Estates of that part of the District of Prince Town formerly the East Wing of Rutland, as their Proportion to the Province Tax laid on the Town of Rutland in the Year 1760. and that the constables or Collectors of Rutland for Year be, and hereby are directed and required not to Collect the same of the Inhabitants or Proprietors of Prince Town, and that the aforesaid sum of thirty one pounds one shilling and seven pence be added to the Province Tax that shall be laid on the Town of Rutland for the Year 1761.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 603.

"April 7, 1761. A Petition of sundry Inhabitants of the District of Prince Town in the County of Worcester—Setting forth the irregular Proceedings of one Doctor Zachariah Hervey in their Anniversary Meeting in March last, Praying that the said District may be enabled to call a New Meeting &c^a^

In the House of Representatives Read and Order'd That the Petitioners serve Doctor Zachariah Harvey with a Copy of this Petition, that he render an Account of his Proceedings complained of in the Petition on the second Tuesday of the *next Sitting of this Court.*

In Council Read and Concurred with an Amendment viz^t^ insert *May Session*—Sent down for Concurrence."—*Ibid., p.* 701.

"June 9, 1761. A Petition of a Number of the Inhabitants of Prince Town Setting forth as in their Petition entered 7: April last, that there were divers illegal Votes and unwarranted Transactions at their annual Town Meeting in March last —And Praying Relief.

In Council Read again together with the Answer of Doctor Zachariah Harvey, and Ordered That Benjamin Lincoln Esq^r^ with such as the honorable House shall join be a Committee to take the Petition and Answer under consideration and report.

In the House of Representatives Read and Concurred and M^r^ Ropes and Cap^t^ Rowell are joined in the Affair."—*Ibid., vol. XXIV., p.* 27.

"June 10, 1761. A Memorial of Zachariah Harvey, Peter Goodenow and Abigail * Moore, Selectmen of Prince Town, further representing (in addition to what was offered by the said Zachariah Harvey in his answer entered Yesterday) the proceedings of the Town Meeting complained of by some of the Inhabitants, And Praying that by a Resolve of this Court the proceedings of the said District may be confirm'd notwithstanding any legal defects, real or supposed—

In the House of Representatives Read and Ordered That the Committee of both Houses appointed to consider the Affair of Prince Town take this Petition also under their consideration and make report.

In Council Read and Concurred."—*Ibid., p.* 32.

* *Sic:* Abijah.

"June 13, 1761. The Committee appointed the 9th Instant on the Petition of a number of the Inhabitants of Prince Town reported according to order—

In Council Read and Accepted, and thereupon Ordered That the proceedings of the Inhabitants of the District of Prince Town at their Meeting in March last be confirmed, and that their proceedings at the adjournment of said Meeting be regulated so far as it relates to the qualification of Voters, by the valuation of Estates already taken. Also that the Assessors of said District as soon as may be make an exact list and valuation of Estates in said District for the future regulation of their Voters as by Law is required—

In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 42.

For all proceedings relating to the boundaries and sale of the province lands, known as Potash Farm, within the district of Princetown, see the Appendix.

Chap. 7. "June 9, 1759. A Petition of Thomas Stinson and Others Proprietors and Planters of a certain Tract of Land commonly called Neguasset in the County of York holding in the Right of Messrs Lake and Clarke deceased — Setting forth That they labour under great difficulties for want of being incorporated. That they have however by a voluntary Subscription set up, and are erecting a very convenient House for public Worship. And praying that they with their Lands hereafter mentioned may be erected into a Township viz^{t} Beginning at Towessick Gut at the head of Arowsick Island or George Town, and running Northerly on Sagadahock or Kennebec River to a Pine tree marked, which is the first markt Tree in the Boundary Line between the said Proprietors and the Plymouth Company: from thence Easterly on said Line to Mountsweeg River as the Line is now established, and from thence Southerly down said River and Mountsweeg Bay including an Island called Oak Island, and from thence again Southerly round a Point of Land called Phipp's Point, and from thence Westerly to a Point called Hawkomoka Point, and from thence Northerly running through Hells-gate so called in Towessick or Neguasset Bay to the Bounds first mentioned.

In the House of Representatives. Read and Ordered That the Petitioners serve the Town of George Town (so called),as also the first Parish in said Town with a copy of their Petition by leaving an attested copy thereof with their respective Clerks, that they may shew cause (if any they have) on the second Tuesday of the next Sitting of the Court why the Prayer thereof should not be granted.

In Council. Read and Concurred."—*Council Records, vol. XXIII.*, *p.* 37.

"Oct. 11, 1759. A Petition of Thomas Stinson and Others Proprietors and Planters of a certain Tract of Land commonly called Neguassett in the County of York — Praying as entered 9 June last to be incorporated into a Township.

In Council read again together with a Vote of the Town of George Town relative to the Affair. And resolved That the Prayer of the Petition be so far granted as that the Petitioners have liberty to bring in a Bill for erecting the Lands prayed for into a district with power to join with the Town of George Town in the Choice of Representatives.

In the House of Representatives Read & Concurred:"—*Ibid.*, *p.* 86.

Chap. 8. "Oct. 11, 1759. James Bowdoin Esq went down from the Board to the House of Representatives with a Message to acquaint them that the Board observe in the Supply Bill sent up for their concurrence, that the Funds are not sufficient to redeem the Notes the Treasurer is thereby ordered to issue with the Interest, and have therefore not passed upon said Bill."—*Council Records, vol. XXIII.*, *p.* 80.

See also Note to Chap. 16, *post.*

Chap. 10. "Nov. 6, 1759. In the House of Representatives, Voted That the Managers of the Sudbury Lotteries be hereby impowered to apply part of the Sums to be raised by said Lotteries not exceeding the Sum of One hundred and twenty pounds towards repairing two short Causeways in said Sudbury lying on Lancaster Road between the Dwelling houses of Jonathan Carter and Benjamin Estabrooks. Provided that there be first applied a sufficient Sum from the monies raised by said Lotteries to carry on the particular Works for which the said Lotteries were granted.

In Council. Read and Concurred."—*Council Records, vol. XXIII.*, *p.* 119.

Chap. 14. "Oct. 3, 1759. The Act for providing Quarters for his Majesty's Troops and Recruiting Parties within this Province being temporary is expired, and will, as You will observe from some of the Papers laid before You, require your Consideration."—*Extract from Governor Pownall's message to the Assembly: Council Records, vol. XXIII.*, *p.* 61.

"Dec. 24, 1760. The Secretary delivered the following Message from his Excellency, to the House of Representatives — viz^{t}.

Gentlemen of the House of Representatives

I am to inform you that a Party of the Regiment of Royal Scots, consisting of six officers, and one hundred and Ninety Men, is come into this Port, and is like to stay here some Time. I have Ordered them into the Barracks at Castle William: but finding the Act for providing Quarters &c^{a}: is expired, must desire You to make the usual Provision for them. FRA. BERNARD."—*Ibid.*, *p.* 528.

"Dec. 24, 1760. In the House of Representatives; Voted that the Commissary General be directed to provide Fuel, and other Barrack Necessaries, as usual for the One hundred and Ninety Men.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 530.

Chap. 15. "Oct. 20, 1759. The Secretary went down from the Board with a Message to the House of Representatives proposing an Amendment in the Bill intituled An Act in further addition to the Act for Limitation of Actions and for avoiding Suits in Law where the matter is of long standing. To which Colº Cotton returned with a Message from the House to acquaint the Board that the House agree to their Amendment, and proposing to them a further Amendment in said Bill."—*Council Records, vol. XXIII., p.* 113.

Chap. 16. The campaign of 1755, employing about 8000 men from Massachusetts, or, as was estimated by the General Court, about one fifth of the male inhabitants of the province, was attended with proportionate expense which it was found impossible to meet by the ordinary methods of raising money. In this emergency temporary relief was afforded by Gov. Shirley's loan of £30,000, out of the fund under his control as commander-in-chief of the American forces. This loan, though received after much delay, enabled the province to pay the wages of the soldiers in the expedition of 1755 and to proceed with preparations for another campaign. (See 1755-56, note to chap. 27.) Meanwhile, the Legislature had authorized Mr. Bollan, who had previously held the office, and who on the thirtieth of October, 1755, had been again appointed agent of the province in London, to effect a loan in Europe (see 1754-55, chap. 33), and also to apply to the Crown for relief.

Discouraged at the poor prospect of negotiating a loan, Mr. Bollan made no attempt in that direction, but immediately addressed himself with energy to the task of procuring a grant. Beginning with an application for £23,000 to the Lords Justices, which the secretary of that board thought it more proper to lay before the Lords of the Treasury, he next applied to the Duke of Newcastle, who was first Lord Commissioner of the Treasury, as well as one of the Lords Justices, and through him succeeded in having his application considered by the Lords of the Treasury. They directed him to wait on the Secretary of State, who objected that the petition should have been laid before the Lords of Trade. Accordingly, he waited on Lord Halifax, secretary of the Board of Trade, who was clearly of opinion that a grant of this character was, primarily, a subject for the consideration of the Lords of the Treasury and the Secretary of State. Again applying to the Secretary of State, after overcoming his objections that the petition was too general, &c., the Agent secured his favorable consideration of the subject and increased the amount asked for, to £50,000, having, since the presentation of the first petition, received advices of further enlistments in the province. The Earl of Halifax warmly engaged in assisting him, and was at first inclined to send a sum of money as an immediate aid to all the colonies. He suggested to Mr. Bollan the propriety of applying for the common benefit of the four New-England colonies and not for Massachusetts alone,—the wisdom of which course the latter approved, although his instructions did not authorize him to follow it. At this stage, it appeared that there was no fund from which such a grant could be taken, and it was thereupon agreed by the Ministry that letters should be sent to the Governors of the four New-England colonies assuring them of his Majesty's approbation of "the chearfulness and alacrity with which they had enter'd upon the expedition and the spirit and vigour with which they had supported it; that his majesty being sensible the expence of it exceeded their abilities he would recommend it to his parliament to grant them such aid and assistance as their merit and circumstances required and such as shou'd be sufficient to enable them to go on with vigour, and assuring them of his majesty's favour and protection." Accordingly, Feb. 3, 1756, parliament granted £115,000 to "New England, New York and Jersey." (See resolves of the House of Commons.) Of this sum the share of Massachusetts was £54,000, which was shipped before April 1756, but never reached the treasury—£30,000 thereof going directly to Gov. Shirley in repayment of his loan, and the remainder being turned over to the army contractors at New York.

A letter from Mr. Secretary Fox, dated March 13, 1756, gave assurance that stores and provisions of all kinds for the whole army employed in the campaign of 1756 should be provided at the sole expense of the Crown, and that the raising of the men, their pay, arms and clothing, were all that would be required of the province. (See 1757-58 chap. 30, note.) This letter was communicated to the Assembly by Lieut.-Gov. Phips on the first of July; but the province had already purchased six months provisions for victualling the Massachusetts forces, at an expense of nearly £30,000, and, in the vacation before the July session, Mr. Hutchinson had informed Mr. Bollan of this expense and intimated that a reimbursement of the value of these provisions would be a great relief to the province, in view of the other expenses attending the expedition.

Mr. Bollan promptly brought the subject to the attention of the Earl of Halifax who entertained it favorably, but advised delay. In October he again moved in the matter, presenting to the Duke of Newcastle a memorial which, through his efforts, was considered by the Lords of the Treasury and referred by them to the Board of Trade. The business being again delayed here by the want of necessary information from the other departments, Mr. Bollan had recourse to the Secretaries of the Treasury and to the Chancellor of the Exchequer, but without success; owing, partly to the press of business in the Treasury department, and partly to changes in the administration.

After nearly fourteen months' application to the different departments, Mr. Bollan, upon the accession of the new ministry of Newcastle and Pitt, addressed a petition for reimbursement, to the King in Council, which he presented to Mr. Secretary Pitt, with a letter, dated December 24, 1757, giving his reasons for applying in this manner. The presentation of this petition was somewhat delayed by the Agent's failure to receive proper vouchers from the province, they not having

arrived as late as the eleventh of June. Within a month after its presentation this petition had reached the Lords Commissioners of the Treasury, and had been referred by them to the Paymaster-General and the Secretary at War, with instructions to inquire into the demand, and hear Mr. Bollan; Mr. Pitt expressing the hope that the purpose of this reference was "that the validity and exactness of Mr. Bollan's account be enquired into, and not the justness of his pretensions." By March 20, 1758, a favorable report had resulted from this reference, and by the 19th of the next month the Chancellor of the Exchequer had mentioned the subject to the House of Commons, where, on the 31st of May, it was referred to the committee on supplies, and, the next day, a resolve was passed granting the province £27,380. 19s 11½d sterling.

Although Mr. Bollan had performed the duties of his office with marked ability, the delays attending the routine of official action in the different departments of the government caused dissatisfaction among his constituents, which manifested itself strongly in the House of Representatives towards the close of these negotiations. By his address, his intimate knowledge of the history and claims of the province, his personal acquaintance with officers of state, his legal acquirements and his familiarity with the methods of proceeding in the management of the delicate and difficult duties with which he was intrusted, he had actually lessened the delays which were ignorantly attributed, by his opponents, to his indifference or to a too literal adherence to his instructions.

As early as January, 1758, an order, which originated in the House, was passed by the Assembly, appointing a committee to prepare a letter to Mr. Bollan notifying him of their intention to supply his place with some inhabitant of Great Britain for the ostensible reason that they would thus be saved the expense of his living, which Bollan claimed in addition to his salary; but other affairs of great moment having arisen, this vote was succeeded, two months later, by another, requesting Mr. Bollan not suddenly to leave Great Britain notwithstanding the former vote. With a copy of the latter vote further instructions were sent to the Agent.

In the next Assembly a bill was passed by the House to be engrossed, appointing Messrs. Barlow Trecothick, John Apthorp and John Thomlinson, Jr., who were eminent merchants in London, to act with the Agent in receiving and forwarding the provision money, but this bill was unanimously refused a second reading by the Council. On the same day, however, (June 15, 1758) a vote was passed originating in the Council, which empowered the Secretary of the province and the Speaker of the House to execute an instrument, which the Governor was also requested to sign officially, authorizing Mr. Bollan, as agent, to receive the money and give a valid discharge therefor, and directing him to ship the same to New England by one his Majesty's ships of war. This power of attorney was given in conformity to the opinion of the former attorney- and solicitor-general (Ryder and Murray) in 1748, that the province, being a corporation, could only act by such an instrument,—the Lords of the Treasury at that time having submitted the question whether the authority of the several agents to receive the money granted to reimburse the expenses of the reduction and occupation of Cape Breton was sufficient; some of the agents, among them the agent for Massachusetts, claiming to act solely under mere votes of their respective Assemblies.

From the postscript of a letter from Mr. Bollan, dated August 16, 1758, it appears that the money granted had been received by him, and that, after sundry deductions for freight, insurance, etc., and the grant (which had been long deferred) to the Agent for his past services—it was reduced to the amount shown in this act.

Still further delays followed in transmitting the money, owing, mainly, to the agent's instructions to have it shipped to Boston in a man-of-war, and the impossibility of procuring such a conveyance to that port.

Mr. Bollan's letter of August 16, had not been received as late as October following—indeed tidings of the grant had first reached the Governor about the first of the month—and the House having heard the report of a committee appointed to examine the records of the General Court relative to the method pursued in receiving the parliamentary grant of 1748 (see Journals of the House of Commons, April 4, 1748) deemed it necessary to pass formal votes that the expected provision-money should be imported into the province in specie, and that Mr. Bollan should be empowered to receive it in behalf of the province. By the vote of June 15, no authority was expressly given to the committee appointed to prepare the power of attorney to use the name, or affix the seal, of the province; and, apparently for the purpose of remedying this defect, the House now voted that the Governor, the Secretary and the Speaker of the House be authorized to prepare a power of attorney in the name and under the seal of the province. The Council concurred with an amendment striking out the names of the Secretary and the Speaker, whereupon the House took into consideration the subject of continuing Mr. Bollan in the agency, and voted to dismiss him. In this vote the Council refused to concur. A committee of the House appointed to confer with Mr. Charles Apthorp, the contractor for furnishing money for the army, having reported that, although Mr. Apthorp could not undertake to receive and transport the money, he had recommended for that purpose the employment of his friends, Messrs. Trecothick, Apthorp and Thomlinson above mentioned for whose fidelity he was willing to give security; that he assured the committee that these gentlemen would transact the business for one per cent commission, and that he would use his influence with them to have the money sent by the same conveyance that was to bring the money for the pay of the army (which money was expected in March 1759), thus effecting a saving in insurance, freight and shipping-charges; and, moreover, that if the money could not be shipped directly to Boston, he would take it at Louisbourg, Halifax or New York, and pay a like sum in Boston.

Mr. Apthorp's suggestions were favorably received by the House, and accordingly they fell back upon their former vote, to which they now voted to adhere "with amendments as taken into a new draught." In the new draught the same committee as before was empowered to prepare the instrument, but the names of Messrs. Trecothick, Apthorp and Thomlinson were substituted for that of Mr. Bollan, and they, or any two of them, were authorized to receive and give proper discharges for the provision-money, in behalf of the province and, having first insured the same, were directed to send it on board one of his Majesty's ships bound either to Boston, Halifax, Louisbourg or New York, consigned to the Treasurer of the province, for the time being. The Council refused to concur in this vote on the ground that the vote of June 15th "still remains in force and may be effectual for this purpose." The Council further voted that the Secretary write to Mr. Bollan that, as his commission as agent "limits his power to certain special purposes therein mentioned, and to such other matters which the General Court might commit to his care and management pursuant to such instructions as he might from time to time receive from them", "the Court expects that he conduct himself accordingly." In this vote the House refused to concur, adhering to their own vote, and the Council again nonconcurred in the last vote of the Representatives.

No further action in the matter appears to have been taken by the Assembly until after the receipt of Mr. Bollan's letter of Aug. 16. This letter was communicated to the House of Representatives Jan. 5, 1759, and, on the 18th, a vote was passed directing Mr. Bollan to ship the money in accordance with certain instructions, a draught of which was prepared and accepted two days later. By these instructions the agent was directed to ship the money in johannes of full weight, or, if these could not be obtained, in other Portuguese or Spanish gold, to the province Treasurer at Boston, by a man-of-war, or, in failure of any such ship's departure direct for Boston, he was to apply to the Lords of the Admiralty for permission to ship the same on any government vessel bound to New York, Halifax or Louisbourg and to ask for orders for the ship to proceed to Boston after delivering her dispatches at either of the other ports for which she might be bound.

The impossibility of securing such coöperation by the Lords of the Admiralty as would enable the Agent to comply with his instructions, further delayed the shipment of the money; so that the first notice that the money was shipped appears in a letter from Mr. Bollan dated October 12, 1759. It was consigned to the province Treasurer, on board the Mercury, Capt. Faulkner, who was ordered to proceed to New York on other business, and thence to Boston.

In the mean time the General Court, not being aware of this action of the Agent, prepared a letter to him, in which, after setting forth the great inconvenience to which the province had been subjected by the non-arrival of the money, and declaring that they "can't avoid thinking that if the Lords of the Admiralty had been properly informed how much the receipt of this money (tho' a small sum compared with our great expence) would have been a means of promoting his Majesty's general service, they would have consented that a man-of-war should have proceeded with it from some of the neighbouring government to Boston, tho' she might have lost a week or ten days' time,"—they order that the money, in Spanish or Portuguese milled gold, be shipped to Boston, Louisbourg or Halifax or to the government of New York or New Hampshire by the first safe conveyance in one of his Majesty's ships-of-war, consigned to the province Treasurer or to his assigns, and properly insured.

On the 3rd of December 1759, the Mercury had arrived and there were deposited, that day, in the province treasury, to the credit of Mr. Bollan, on account of the provision-money, 10,424¾ johannes and 1414½ moidores which amounted—the former being reckoned at 36 shillings, and the latter at 27 shillings each—to £20,680, 17, 6, sterling.

"Jan. 9, 1760. In the House of Representatives Whereas the Treasurer has received from Mr Agent Bollan Twenty thousand six hundred and eighty pounds seventeen shillings and six pence Sterling equal to Twenty seven thousand five hundred seventy four pounds ten shillings lawful Money, which Money is unappropriated. Resolved That the said Sum be applyed for the Payment of the Officers and Soldiers employed in the late Expedition under General Amherst.

And Whereas by an Act made in October 1759 the Treasurer was directed to borrow the Sum of One hundred forty * thousand five hundred Pounds and issue Government Notes for Sixty thousand Pounds part of said Sum payable the 20 June 1761, and as a Fund for the redemption of said Notes a Tax was granted to his Majesty to be levyed on Polls and Estates in May 1760 for Sixty four thousand Pounds. Therefore further Resolved That the Treasurer be and hereby is directed to borrow but Thirty two thousand four hundred and twenty five pounds ten shillings instead of the aforesaid Sum of Sixty thousand pounds and that the Tax that was to have been issued for sixty four thousand Pounds if the said money had not arrived be but for thirty five thousand Pounds. And Ordered that a Bill be brought in accordingly. In Council. Read and Concurred."—*Council Records, vol. XXIII., p.* 157.

Chap. 17. "Sir, I Come now, Sir, to make You the same requisition I did last year upon my Entring on the General Command; for altho I have not at present, no more than I had then, any particular Orders relative to the Operations of the Ensuing Campaign, Yet I am Certain it must be of Infinite Service to the Public Cause that the Province of the Massachusetts Bay, should keep up, during the

* *Sic.*—"four" omitted.

Winter, the same Number of Officers and Men, that its Assembly Voted for the Operations of this last Campaign."—*Extract from Gen. Amherst's letter to Gov. Pownall, Dec.* 13, 1759: *Mass. Archives, vol.* 78, *p.* 662.

"I am commanded to signify to you The King's Pleasure, that you do forthwith use your utmost Endeavours & Influence, with the Council & Assembly of your Province to induce them to raise, with all possible Dispatch, within your Government, at least as large a Body of Men, as They did for the last Campaign, and even as many more, as the Number of It's Inhabitants may allow, &, forming the same into Regiments, as far as shall be found convenient, that you do direct them to hold Themselves in readiness, as early as may be, to march to the Rendezvous at Albany, or such other Place, as His Majesty's Commander in Chief in America shall appoint, in order to proceed from thence, in Conjunction with a Body of the King's British Forces, & under the Supreme Command of His Majesty's said Commander in Chief in America, so as to be in a Situation to begin the Operations of the Campaign by the first of May, if possible, or as soon after as shall be any Way practicable; by an Irruption into Canada."—*Extract from Sec. Pitt's letter to Gov. Pownall, Jan.* 7, 1760: *Mass. Archives, vol.* 22, *p.* 121.

"Having therefore taken into Consideration the Circumstances of those Troops belonging to and in the Pay of this Province, which are doing duty at Louisbourgh Halifax and Lunenburgh, and do intirely garrison Annapolis, Fort Cumberland at Chignecto, and Fort Frederick at S^{t} Johns, You will consider of making the earliest Provision for those who may be further wanted for the Operations of the ensuing Campaign, so that they may be ready at the first Call."—*Extract from Gov. Pownall's speech, Jan.* 2, 1760: *Council Records, vol. XXIII., p.* 144.

"Jan. 25, 1760. The Report of a Committee appointed to take under consideration those parts of his Excellency's Speech at the Opening of the Session which were directed to both Houses.

The Committee have proceeded so far as to consider the several matters recommended by his Excellency relative to the Forces in the Pay of this Province and now in Service at Louisbourgh and Nova Scotia and also to the making Provision for raising Forces for the ensuing Year—

With respect to the Forces at Louisbourgh and Nova Scotia the Committee are humbly of Opinion That a Bounty or Reward of Four Pounds be given to each of the Private men and One months pay to each Officer who remained in Garrison after the first day of November last and still continue there over and above their established Wages, and that the Wages of all such Officers and Soldiers be continued according to the present Establishment until the first day of May next, or until the time of their discharge in case they shall be discharged before the said first day of May.

That the continuance of such Establishment be so understood as in no measure to remove or lessen the desire and expectation of the two Houses that the General of His Majesty's Forces in North America do cause the Forces now in the Pay of this Province to be discharged and returned as soon as the Season of the year will allow.

With respect to the Provision for raising men for the ensuing Year the Committee are of Opinion That a Bounty of nine Pounds be given to each private Soldier and non commission Officer now in the Service at Louisbourgh and the several posts and Forts in Nova Scotia who shall inlist anew for his Majesty's General Service the ensuing year, the Bounty to be paid in the manner following viz^{t} Five dollars at the time of their inlisting, five dollars more with a Province Security of six pounds at their passing Muster, which Muster shall be as soon after their Inlistment as it can be conveniently done; this to be considered as over and above the Four pounds reward given as aforesaid.

That over and above the number of Men who may thus inlist at Louisbourgh and Nova Scotia a Bounty of Nine pounds be also given and paid in the same manner and at the same time as to those who shall inlist at either of the above said places to Five thousand men including Officers who shall inlist for said Service at any time before the fifteenth day of March next; such Officers to be Inhabitants of this Province, the Privates and non-commission Officers only of said five thousand men to be intitled to this Bounty.

That the Establishment for one Captain, two Lieutenants and an Ensign be the same as it was the last year, each Company consisting of an hundred Men including Officers that their Wages shall begin from the date of their inlisting Orders, and that for every effective man whom they shall inlist they be allowed and paid three shillings, but they are to be accountable for the money they shall pay to any non-effective man who was so at the time of his Inlistment.

And as to the Wages of the men, the Committee are of opinion that they be the same they were the last year, and that they enter into pay at the time of their passing muster.

That to each man there be given when he shall begin his march a Blanket and such other Articles as were given the last year, saving only that such Blanket and other Articles shall be given to the Men who shall inlist at Louisbourgh and Nova Scotia at the time when the other men in Service at the several Posts there shall be respectively relieved.

That the Men shall not be held to continue in Service beyond the last day of November next, and shall be discharged as much sooner as the Service will Admit.

With respect to the matters recommended by his Excellency and which relate to Penobscot the Committee desire leave to sit again.

All which is Submitted in the name of the Committee

T. HUTCHINSON

In Council. Read & Sent down—

In the House of Representatives. Read and Accepted as taken into a new draft —(viz^t as above)

In Council. Read and Concurred—Consented to by the Governor."—*Ibid.*, *p.* 207.

"Feb. 13, 1760. In the House of Representatives Voted That the several notes given by the Treasurer to those persons who shall appear to lend the money upon the last Supply to pay the Bounty to those Soldiers who shall inlist in the intended Expedition against Canada shall bear date this present day.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 276.

Chap. 19. "Jan. 30, 1760. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses respectively viz^t

Gentlemen of the Council and House of Representatives.

After the Court has engaged so large a Bounty for recruits enlisting in the present Expedition to Canada, it much behoves your Wisdom as far as in you lies to take care that the Province is not defrauded of the Services it pays so dear for, which if some further Provision be not made as to Desertion will be the Case in many Instances, not only without Remedy, but with very considerable addition to the expences of the Province.—

For as matters now stand a Deserter, thô he does not serve one quarter of the time shall cost the Province besides the trouble he occasions four or five pounds more than the honest and faithful Soldier who serves his whole time. For as the Articles of War provide for the Punishment of Deserters when joined to the Army, our Laws provide only for the apprehending securing and transporting to their Regiments or Companies such Deserters, there (as is supposed to receive the Punishment allotted to such Delinquency.—The Punishment of Desertion is Death, or in its greatest Lenity such severe Corporal Punishment as is next to it, and if a deserter be returned to the Army *as such*, he must suffer that Punishment. When therefore Deserters have been taken up, and sent by my Orders to the Castle or other place in order to be transported to his Regiment or Company according to Law, I never could prevail on myself to send them as Deserters, by which means they have escaped all Punishment; and indeed were this severe Punishment inflicted on them however much they may have deserved it, the Country itself would very unwillingly discover or apprehend such Deserters—Therefore as the case now stands as Deserter will defraud his Country of his Service as long as he can lye concealed, and when he is discovered, the Province instead of Amends for the Loss it has already sustained must be at further expence for the apprehending, securing and transporting him for the small portion of Service that remains which expence it cannot be reimbursed out of his Wages, for if he be not returned as a Deserter, no Stoppages can be made on his Wages, and if he be returned as a Deserter, he has no Wages to receive.

Under this Dilemma I would propose to the Court on the present Occasion as follows—That if any man receiving the province Bounty be duly inlisted and dos not join his Company or Regiment when called, such Delinquent shall at any time hereafter when or wherever he can be found within this Province be apprehended, secured and sent to the Castle or such other Place as I shall order according to the present Laws; That the reward for taking up, securing and transporting him shall be advanced out of the Province Treasury. That then I shall be empowered if I see cause so to do, rather than to send him to the Army to send such Delinquent to some of the Province Garrisons there to do duty without pay until He shall have reimbursed the Province by his Service at the rate of Garrison Pay the £9— Bounty, the £2 Reward for taking him up, and all other Charges that the Province hath been at by him, and may be at in transporting him thereto.

I should hope this might much more effectually answer the end of preventing such fraudulent desertions rather than the severe Penalties of Felony as is the case if such Delinquent be tried within the Province, or of Death or of extreeme military Punishment if tryed in the Army; Besides the Province will avoid the additional Expence which such Deserters put it to, having instead thereof a good method of reimbursing itself the same; And as every one will see that such Punishment is not too harsh, but what every such Offender do's fully deserve, it will be the inclination as well as duty of every one to discover and bring him to it.

Jan^y 29 1760. T. Pownall."—*Council Records, vol. XXIII.*, *p.* 228.

Chap. 22. "Jan. 21, 1760. A Petition of Elnathan Rew, Peter Sharp, Daniel Munger, Phineas Nash, William Bronson, John Henton, Benajah Warner, Stephen Kellog Daniel Stephen Kelog, Ebenezer Andross, Anthony Hoskins and Barth^o Barret Inhabitants of Land lying West of the upper Propriety or Township of Sheffeild Praying they may be annexed to the Parish in upper Sheffeild and with them to be made one intire Parish.

In the House of Representatives. Read and Ordered That the Prayer of this Petition be granted, and that the Petitioners be annexed to the said Upper Parish of Sheffeild there to do duty and receive Priviledge.

In Council. Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXIII.*, *p.* 190.

Chap. 23.. "Jan. 30, 1760. A Petition of Sylvester Gardiner and Others a Committee of the Kennebeck Purchase (so called) Setting forth That they have been at great cost in bringing forward the Settlement of a place called Franckfort on Kennebeck River, and that the Inhabitants of said place are now greatly increased. And Praying that the same may be incorporated into a New Township by certain Bounds in said Petition mentioned.

In Council. Read and Ordered That the Petitioners have liberty to bring in a Bill for the purposes mentioned in their Petition.

In the House of Representatives. Read and Concurred."—*Council Records, vol. XXIII., p.* 230.

"Boston Novr 23, 1759.

My Lords,

By the 40th Article of His Majty's Instructions to me I am forbid to pass any Bill creating any New Townships. The inconvenience meant to be obviated by said Instruction was the unequall and unjust representation that it might thereby be in a Governor's power to create in the Assembly; But as the Province of Main containing at present the County of York is now daily increasing in its Townships in its Proprietors in its cultivation and populousness and is as a Frontier (divided off from the Massachusetts Province) greatly concern'd that it shou'd have its full share of representation in the Assembly, which it by no means has, I have been applyed to erect such Townships by Act as may create such equal representation. I humbly beg leave to submit the matter to Your Lordships and ask your direction therein

I have the Honor to be my Lords
Your Lordships
most obedt & most humble Servt
T. POWNALL"—*Gov. Pownall to Lords of Trade:* "*Mass. Bay, B. T.,*" *vol.* 76., *I.i.*, 84, *in Public-Record Office.*

"Wednesday, January 30th 1760.

At a Meeting of His Majesty's Commissrs for Trade & Plantations.
Present
Earl of Halifax
Mr Jenyns. Mr Hamilton.
Mr Sloper. Mr Bacon.

Read the following Letters and Papers received from Thomas Pownall Esqre, Governor of the Massachusets Bay, viz:—

* * * * * *

Letter from Govr Pownall to the Board dated Nov. 23, 1759, acquainting their Lordships that application has been made to him for the erection of some new Townships in the Province of Main and desiring their directions.

* * * * * *

Their Lordships upon consideration of the 40th Article of His Majty's Instructions to the Governor of the Massachusets Bay referr'd to in the Governor's letter of the 23rd of November, and also of what is mentioned in his Letter of the 22nd in reference to the House of Representatives not admitting of a suspending Clause to be inserted in their Laws, were of opinion that it would not be adviseable to move His Majesty to make any alteration in that Instruction.

Ordered that the Draught of a letter to the Governor of the Massachusets Bay in answer to those received from him, be prepared:

* * * * * *

DUNK HALIFAX."—"*Trade Papers,*" *vol.* 62, *p.* 24, *in Public-Record Office.*

"The grounds and reasons upon which the fortieth Article of His Majesty's Instructions to you, concerning the passing Laws for erecting new Townships and giving them a Privilege of choosing Representatives, appear to us so just and necessary, and the direction of that Instruction by which the Crown has reserved to itself the Judgment upon all such Laws before they take effect, to be so consistent with wisdom and true policy, that We cannot advise His Majesty to make any alteration therein.

Nor will this Instruction appear less favourable to the interests and inclination of the Representatives of the People, than it is wise and prudent with respect to the Honour and justice of the Crown; when it is consider'd that His Majesty might have directed his Governor upon all cases of this kind to have at once exercised that Negative which is vested in him by the Charter and by His Majesty's Commission."—*Extract from letter of Lords of Trade to Gov. Pownall, Feb.* 6, 1760: "*Mass. Bay, B.T.,*" *vol.* 85, *p.* 52, *in Public-Record Office.*

"The Secretary is preparing the several Acts which have been passed in order to his forwarding them as has been usual. There is one among them intitled An Act for erecting and establishing two new Counties in the Easterly part of the County of York which is to take place in November next. This County of York is at present 150 Miles in length which has been a great discouragement to the Settlement of the Eastern part of it. Pownalborough lately made a Township but without the privilege of sending a Representative is more conveniently situated than any other Settlement for the Shire Town of the Easternmost of the two Counties which I have called Lincoln and* the Bill was so prepared as to give that Town the same privilege which other Towns enjoy but upon my intimating to some of the Members that I should not in any measure depart from my Instructions they altered the Bill before it came to me. I beg leave to suggest to Your Lordships that if in any case His Majesty should think it proper to allow this privilege to any new Town it might be convenient to do it in this case and perhaps to some few of the other Towns which may hereafter be erected, otherwise a whole County will be without a Representative in the General Court."—*Extract from Lieut. Gov. Hutchinson's letter to Lords of Trade, June* 29, 1760: "*Mass. Bay, B.T.,*" *vol.* 78, *L. l.*, 1, *in Public-Record Office.*

"Sir, Inclosed We send you the Copy of a Letter wrote to us by the Lieut. Govr

* Cumberland; a line appears to have been omitted in the copy.

of the Massachusets Bay, in the interval between the departure of Governor Pownall & your arrival in that Government.

Upon consideration of this letter and of the Instruction by which Mr Hutchinson apprehended himself restrain'd from assenting to an Act for erecting a new Township in the County of York, with a Clause impowering that Township to send a Representative to the General Court; We think that the Instruction was, in the spirit and intention of it, confined to the splitting Townships in the old settled Counties and that both reason and justice require, that the Inhabitants of the Eastern part of the Province, having been once erected into Corporations, should be admitted to the same rights and priviledges enjoy'd by the incorporated inhabitants in any other part of the Province; and therefore We see no reason why the Townships already erected or any other that may hereafter be erected in the County of York, should not be impower'd by Act of the General Court, or in any other way that shall be thought adviseable, to choose a person to represent them in the General Court."—*Lords of Trade to Gov. Bernard; Nov.* 28, 1760: "*Mass. Bay, B.T.*," *vol.* 86, *p.* 1, *in Public-Record Office.*

See, also, note to 1765–66, chap. 23, *post.*

Chap. 25. "Jan. 4, 1760. A Petition of William Stoddard Esq & Others, some of the late Directors and Partners in the late Land Bank or Manufactory Company, representing their perplexed and unhappy Circumstances, greatly aggravated by the Loss of their Books and Papers when the Court House was burnt in the year 1747, by means whereof it is impracticable to adjust their Affairs in an equitable manner. And Praying that the Goverment would authorize the setting up of a Lottery to raise such Sums of money as the Commissioners shall judge needful to bring the Affairs of said Company to a speedy and equitable Conclusion.

In the House of Representatives. Read and Ordered That Mr Tyng, Mr Tyler, Mr. Flucker, Captn Newhall and Colo Partridge with Such as the honourable Board shall join be a Committee to take this Petition under consideration and report what they judge proper for this Court to act thereon.

In Council. Read and Concurred, and Jacob Wendell, Benja Lincoln, John Erving, William Brattle and Ichabod Plaistead Esqrs are joined in the Affair."—*Council Records, vol. XXIII., p.* 148.

"Feb. 8, 1760. The Committee appointed the 4th January last on the Petition of William Stoddard Esqr and others, late Partners in the Land Bank Scheme, — Reported their Opinion — That a Lottery be granted pursuant to the Prayer of the Petition, and for the purpose therein mentioned, and that they have prepared a Bill accordingly, herewith humbly presented. (Signed)

℔ order of the Committee JACOB WENDELL.

Which Report being Read, was recommitted in order to fill up the Blank left in the Bill for the names of the managers of said Lottery — The Committee son* reported as follows Vizt That they had mett again and agreed that the Selectmen of the Town of Boston, Messrs Joshua Henshaw Joseph Jackson, Thomas Cushing, Samuel Hewes, John Scollay, Benjamin Austin, and Andrew Oliver junr be the managers of the Lottery (Signed) as above JACOB WENDELL ℔ order.

In Council Read and Accepted

In the House of Representatives Read and Concurred. Consented to by the Governor."—*Ibid., p.* 258.

"June 12, 1760. In the House of Representatives. On a Motion made and Seconded — Voted, that if any of the Tickets in the Lottery for finishing the Affairs of the late Manufactory Company, should remain unsold at the time that may be set by the Managers of said Lottery for the drawing the same in their Several Classes. The Commissioners on such Affair shall take such Tickets so remaining unsold, to the said Company's Account; The Profits of which, if any there be, shall be applyed towards drawing in the said Company's Bills, and finishing that Scheme, and if there be any Loss it shall be sustained by said Company and make good out of the Clear Profits arising by said Lottery. And the Tickets so remaining shall from time to time, be by the Managers delivered into the hands of said Commissioners sometime before they begin to draw Provided Always that the Number of Tickets so left shall not exceed in Value more than the Neat Proceeds of the respective Classes to which they belong: And that the time set for drawing be not less than fourteen days from the Publication thereof. The said Commissioners to be accountable for the Loss and Profit accruing hereby, as by Law they are to account for other Proceedings, in the Affairs of said Company.

In Council Read and Concurred."—*Ibid., p.* 430.

"April 17, 1761. A Petition of Samuel Stevens—Setting forth—That being a Partner in the late Land bank or Manufactory Scheme, he had redeemed three hundred Pounds of their Bills more than his proportion, and in order to reimburse him had assigned him a Farm of one of the delinquent Partners taken by Execution, of which the Sheriff gave him a Warrantee Deed, but that possession of said Farm has been since recovered of him whereupon he brought his Action against the said Sheriffs Estate, which has been several Years in the Court and now stands continued all which is to his great Damage. And Praying that the Commissioners for finishing the Land Bank Scheme may apply the money first raised in pursuance of the late Act establishing a Lottery for that purpose to the Relief of the Petitioner.

In the House of Representatives Read and Ordered That Capt Livermore, Mr Bower and Mr Paine with such as the honourable Board shall join be a Committee to consider this Petition and report thereon.

* *Sic:* soon?

In Council Read and Concurred and Silvanus Bourn and John Erving Esqrs are joined in the Affair."—*Ibid.*, *p.* 748.

"April 20, 1761. On the Petition of Samuel Stevens as entered the 17th Instant Ordered That Colo: Newman be of this Committee in the room of Mr Bowers who is absent. In Council Read and Concurred."—*Ibid.*, *p.* 761.

"April 21, 1761. The Committee to whom was referred the Petition of Samuel Stevens reported, That the Consideration of the matters therein contained be referred over to the second Wednesday of the May Session.

(Signed) SILVANUS BOURN *pr order*

In Council Read and accepted and ordered That the said Petition be referred accordingly. In the House of Representatives; Read and Concurred."—*Ibid.*, *p.* 765.

"July 7, 1761. A Petition of Samuel Stevens Praying as entered the 17th of April last to be relieved out of the first money raised by the Land Bank Lottery.

In Council Read again and revived And Ordered That John Erving and James Bowdoin Esqrs with such as the honorable House shall join be a Committee to consider this Petition and report. In the House of Representatives Read and Concurred and Mr Ropes, Colo Rogers, and General Winslow are joined in the Affair."—*Ibid.*, *vol. XXIV.*, *p.* 84.

"July 11, 1761. In Council. The Committee upon the Petition of Samuel Stevens having reported verbally that the Affair will require more time to consider of, than they will probably have during the present Session. Ordered that the further consideration of said Petition be referred to the first Tuesday of the next Sitting of this Court.—Sent down for Concurrence."—*Ibid.*, *p.* 92.

"Nov. 25, 1761. In the House of Representatives, Whereas this Court at their Session in February 1760, granted a Lottery for raising a sum of money not exceeding Three thousand five hundred pounds to be applied for the redemption of the Outstanding Bills and finishing the Affairs of the late land Bank or Manufactory Company. And Whereas the time limited for raising said sum has proved altogether insufficient for that purpose, and it having been represented to this Court that at the expiration of the term limited as aforesaid about one half of the tickets of the third Class in said Lottery remained in the hands of the Managers of the same undisposed of, and that unless the time for carrying on said Lottery be lengthned out, the design of said Grant will be wholly frustrate. Therefore Ordered That the further term of six Months from the first day of December next be allowed for carrying on said Lottery under the conduct of the same Managers and according to the regulations contained and prescribed in the Act for granting the same: and the Commissioners appointed for transacting and finishing the Affairs of said Company are hereby directed to forbear issuing any further assessment against said Company until the expiration of said term, unless they have the express order of the General Court therefor. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 136.

See, also, note to chapter 35, *post*.

Chap. 26. "Ordered that an Act passed in the said Province in Febry 1760, for regulating Fees be taken into further consideration Friday the 25th Inst. and that the Agent for the Province have notice to attend on that day.

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SANDYS."—"*Trade Papers*," *vol.* 63, *p.* 229, *in Public-Record Office*.

"Friday April 24, 1761.

At a Meeting of His Majty's Comissrs for Trade and Plantations

Present

Lord Sandys.

Mr Jenyns. Mr Yorke. Mr Bacon.

Their Lordships took into further consideration an Act passed in the Province of Massachusets Bay in Febry 1760 for regulating Fees and Mr Bollan, Agent for the said Province attending without, pursuant to Order, he was called in and the points upon which the Act appeared to their Lordships to be liable to objection having been fully stated to him, he said that he was not prepared at present on account of a close attendance upon the Treasury Board, to answer to those Objections, but urged some Arguments to shew the Expediency of a new Regulation of Fees, which their Lordships observed to him was not at present the Question before them, & therefore it was agreed that the further consideration of the Act should be postponed to Tuesday the 5th of May when Mr Bollan was desired to attend prepared to answer to those Objections which had been stated to him.

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SANDYS."—*Ibid.*, *p.* 236.

"Wednesday May 6. 1761.

At a Meeting of his Majty's Comissrs for Trade and Plantations.

Present

Lord Sandys.

Mr Stone. Sr Ed. Thomas. Mr Yorke.

Mr Bacon. Mr Jenyns. Mr Rice.

* * * * * *

Their Lordships took into further consideration the Law of the Massachusets Bay for regulating Fees and Mr Bollan the Agent attending without, pursuant to Order, he was called in and acquainted their Lordships that he was unable from great indisposition to enter largely into the merits of the Objections stated by their Lordships to the said Act and should only observe in general that the Government of Massachusets Bay, having by their Charter a free and unrestrained power of legislation, they would never consent to the inserting suspending Clauses in any

Acts to be passed by them, and had never done it in any one instance, that he would however acquaint them with the Board's Objections to this Act and hoped it might lye by untill he had an Opportunity of consulting his Constituents upon it.

Mr Bollan being ordered to withdraw their Lordships agreed to postpone the further consideration of the Act to another opportunity and the Secretary was ordered to acquaint Mr Bollan therewith.

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Sandys."—*Ibid.*, *p.* 246.

"Leicester Square, May 8th 1761

Sir The Lords Comiss^rs for Trade & plant^s having under their consideration an Act passed by the Gen^l Court in Febr^y 1760, for regulating fees, on the 24th of last month, pursuant to their directions, I attended their Lordships, when Lord Sandys told me they had these two objections to the act. (1st), that 'althô a temporary act, it repealed a perpetual act of the 4th of Will^m & Mary, chap^r 17. (2) that the perpetual act having had the royal approbation, an act for repealing it ought to have contain'd a clause suspending its force & execution until the King's determination thereupon was declared. A few things were then said wherein some of the lords seem'd to suppose these objections unanswerable. After observing that a new establishment of money, with the changing circumstances of a new country, required a new table of fees, I desired the matter might be deferr'd til I cou'd consider the present act, and all the former laws relating to fees, together with their lordships objections, as this Act had never been transmitted to me, and I was wholly a stranger to it when I received their directions to attend; and after some time spent hereupon the matter was put off accordingly.

* * * * * *

The day before yesterday being appointed for hearing any thing that I might have to offer respecting the act for regulating fees, upon my being called in lord Sandys told me that in favor to me, who they understood had been indisposed, they wou'd require me to speak only to the two points of the act's being temporary, & wanting a suspending clause. In case I had thought it a proper time for entring into the consideration of the matter at large, I shou'd very gladly have declined this favor to myself, and after briefly taking notice that forms were introduced for the sake of substance, and that if the act, as it appear'd to me, was founded on the principles of equality & justice, and was render'd necessary by the present circumstances of the province, I conceived its merit in these particulars was a reason for its approbation. I then proceeded to observe that if their lordships were inclined to introduce the use of suspending clauses in certain cases, and to declare that the present act, without considering its merits, ought to be disallowed for the want of such clause, this was a matter which so nearly affected the province's power of legislation that I must earnestly pray their lordships to postpone the consideration of the affair so that I might have time to give proper notice to the Gen^l Court, & receive their instructions hereupon. In support of this motion I observed to their lordships that, as I understood, the province now & at all times since their constitution was form'd by their present charter conceived the Gen^l Court was well entitled to the free exercise of their authority in making such proper laws as the welfare of the province from time to time in their judgment required, which laws were to take immediate effect, that the power of repealing their own laws was likewise unrestrained, and that there had never yet been an instance of a suspending clause being inserted in any Act. Upon my mentioning this last point, Mr Pownall, who had before observed to their lordships that there was an alternative, which was, to send over the draught of the act before passing it, to whom one of the lords replied that was the same thing with the suspending clause, now said that the draught of one act had been sent over here which related to the proceedings of the Comiss^rs in cases of bankrupts, after observing that altho' I had never heard of this draught being sent over before, yet I supposed this was a special case, and probably owing to the extraordinary difficulties that attended the king's repeal of the act that had before passed against bankrupts; and this being immediately agreed to be the case, I then observed that precedents in these cases being always readily cited, it was proper before making another for me to acquaint the Gen^l Court with this matter, especially as I had never received any instructions from them hereupon, nor ever been in any manner concerned in this question — After with drawing & waiting a considerable time Mr Pownall came to me, & told me that their lordships won'd not now proceed in order to come to any determination upon the act; but that it shou'd lye by for further consideration.

I write in more haste than is agreeable, and cannot at present recollect any thing further that is material to be said on this occasion, save that their lordships in the course of this affair seem'd to have their eye more on the suspending clause than the other point, and appear'd to speak from premeditation, and that I am satisfied they will confine their future consideration to the two points aforementioned, presuming at the same time that they will defer the matter til the Gen^l Court's instructions herein can be received.

I am with the greatest respect for the honble House of Representatives sir your most obed^t & most humble servant, W Bollan."—*Letter from the Agent, to Secretary Oliver: Mass. Archives, vol.* 22, *p.* 190.

"Boston Nov^r 28th 1761

S^r The General Court have had under Consideration your Letters of the 8th May & 13th June last: the first relative to the objections made by the Board of Trade to the Act of said Court for regulating Fees: * * * * *

With respect to the Fee-Act, the Objections are — That althô a temporary Act it repeal'd a perpetual Act: That repealing a perpetual Act, that had had the royal approbation, it ought to have contained a clause suspending it's effect till the King's

determination thereon was declared. — In regard to the first Objection it may be observed, that it is no new thing for the General Court to make temporary Acts that suspend the effect of perpetual ones: And the perpetual Act (in particular) for regulating fees has been frequently suspended by temporary Acts appointing different fees; And these temporary Acts having never been disapproved by his Majesty, the Genl Court could not suppose that any objection would lie against the new Act on account of it's being temporary: And the varying circumstances of a new Country (as you justly observed to the Lords Commissioners for Trade & Plantations) may furnish a good reason for the alteration of the Fees; & for the Act being made temporary: and it may be presumed that their Lordships themselves may look upon the Genl Court as no incompetent Judges what the circumstances of this Province require.

With respect to the other objection about a suspending Clause, the General Court apprehend their Lordships would not have made it, if at the same time they had recollected those clauses of the Province Charter that relate to the making Laws, & the continuance of their force and effect: the Laws made being to continue in force, in case his Majesty shall not signify his disallowance within the time limited, 'until the expiration of such Laws, or that the same shall be repealed by the General assembly.'—

As you are perfectly acquainted with the Province Charter, & the legislative Power of the General Court, 'tis needless to enlarge on this head; but I am to inform you, that it is an Instruction of the Genl Court, and they hereby instruct you, to support the Fee-Act aforesaid; and more especially defend to the utmost the General Court's Power of Legislation in it's full extent according to the aforesaid charter. — As to the sending over the draught of any act previous to it's passing, it is equivalent (as their Lordships justly observed) to a suspending clause, and therefore inconsistent with the Rights granted by charter. Nor has there been any precedent of this kind: the draught of the act relative to the proceedings of the Comissioners in cases of Bankruptcy being sent over (in his Single capacity) by Governor Pownall; who did not incline to give his Assent thereto till he knew his Majesty's pleasure."—*Letter from the General Court to Agent Bollan: Ibid., p.* 220.

Chap. 28. "March 22, 1760. Mr Bacon from the House came up with a message to the Board to propose to come to the Choice of Collectors of Excise on Spirituous Liquors by Joint Ballat of the two Houses on Tuesday next 3 o'Clock Afternoon.

Joseph Pynchon Esqr from the Board went down to the House of Representatives to acquaint them that the Board Agree to the Proposal of the House to choose Collectors of Excise on spirituous Liquors on Tuesday next."—*Council Records, vol. XXIII., p.* 289.

"March 25, 1760. Oliver Partridge Esqr from the House of Representatives came up with a message to the Board to acquaint them that the House was to proceed to the Choice of Collectors of Excise by Joint Ballot with the Board pursuant to the Agreement of the two Houses on the 22d Instant

Benjamin Lincoln Esqr from the Board went down to the House of Representatives with a message to inform them that the Board were ready to proceed to the Choice of Collectors of Excise as proposed.

The Vote of the two Houses were accordingly brought in for each County seperately, and upon sorting and Counting the same it Appeared that the following Gentlemen were chosen vizt

For the County of Suffolk	Mr Thomas Fletcher
For the County of Essex	Daniel Epes junr Esqr
For the County of Middlesex	Mr John Remington
For the County of Hampshire	Mr Gad Lyman
For the County of Worcester	Gardner Chandler Esqr
For the County of Plymouth	John Cushing junr Esqr
For the County of Barnstable	Mr Daniel Davis
For the County of Bristol	Mr Seth Williams junr
For the County of York	Mr Daniel Clark
For Dukes County	John Norton Esqr
For the County of Nantucket	Mr Thomas Arthur.

The foregoing List being laid before the Governor his Excellency was pleased to sign his Consent thereto."—*Ibid., p.* 295.

"June 11, 1760. The memorial of Daniel Epes junr Setting forth that he was chosen Collector of Excise in the County of Essex for the Year 1758, & 1759, and has discharged that Office with faithfulness to the Government, according to his Ability has likewise been at great Expence in going through the County twice a Year on said service, and has more than Six hundred Accounts to settle in a Year, and the Oath to Administer as many times, and double that Number of Receipts to give and is allowed only two ℔ Cent for Collecting and paying in the same—Your memorialist therefore Prays that an Addition of One ℔ Cent may be allowed him for Year 1758, and 1759 for Collecting and paying in the same to the Treasury.

In the House of Representatives; Read and Ordered, That the Petitioner be allowed for Collecting the Excise for the County of Essex, from March 26th 1759—to the 26th March 1760, One ℔ Cent, over and above the two ℔ Cent already allowed by Law Ordered Also that the Petitioner be allowed three ℔ Cent in the whole, for Collecting said Excise the Current Year. In Council Read and Concurred Consented to by the Lieutenant Governor."—*Ibid., p.* 423.

"Dec. 22, 1760. A Petition of Matthew Patten of North Yarmouth, in the County of York—Setting forth that he had the Misfortune in the Month of March last to have his Dwelling House consumed by Fire, with the Chief part of his Fur-

niture, and a considerable sum of Money, that he had a License for retailing strong Liquors, and stands indebted to the Excise Master for said County, the sum of Five pounds, six shillings and eight pence, for Duties of Excise—he therefore Prays that the said sum may be remitted him.

In the House of Representatives, Read and Ordered that the Collector of Excise for the County of York be, and he is hereby directed to discharge the Petitioner, the sum of five pounds, six shillings, and eight pence, in consideration of his Loss as above mentioned. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 519.

"Jan. 10, 1761. In the House of Representatives; Whereas Mr Daniel Clark was Chosen by this Court to Collect the Excise in the County of York for one Year, ending the 26th of March next; but by Reason of a late Act of this Government, dividing of the said County into three, some doubts have arisen whether the Power of said Collector now extends to finishing his Collection in the said two New Counties; Therefore Voted, That the said Daniel Clark be, and he hereby is fully impowered and Authorized to proceed to finish his said Collection, the Act for the Division of the County Notwithstanding. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 592.

"Jan. 14, 1761. A Petition of Jonathan White of Springfield—Setting forth that he has for several Years past Employed himself in Distilling Cider into Spirits, for himself and Neighbours, and thereby as he has been informed, subjected himself to the Penalty of the Law for selling spirits Distilled without License, Praying he may not be subjected to any Penalty for selling the spirits extracted from Cider, his not having License Notwithstanding.

In the House of Representatives; Voted; that the Prayer of this Petition be so far granted as that upon the Petitioners paying the Duties of Excise upon the Spirits by him Distilled mentioned in said Petition, to the Collector of the Duties of Excise in the County of Hampshire, the said Collector be directed not to prosecute the Petitioner for any Violation of the Law. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 598.

"Jan. 17, 1761. A Petition of John Cushing junr Setting forth that he is appointed Collector of Excise for the County of Plymouth and has been at Great expence in Collecting the same, as at the end of the first Six months he went into all the Towns thro' the County for that purpose, that his charge for the last six months will not fall short of the first, so that after his Charges are deducted little will remain for his Trouble,—Praying an Additional allowance of one ℔' Cent may be allowed for the Year 1759, and also for the present Year.

In the House of Representatives; Read and Ordered that the Petitioner be allowed one ℔' Cent over and above the two ℔' Cent already allowed by Law, from March 26: 1759, to March 26: 1760. Also the same for the Current Year. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 610.

"Jan. 19, 1761. A Petition of John Remington of Watertown—Setting forth, That in the Year 1758 he was, and ever since has been Collector of the Excise for the County of Middlesex and never has had but two per Cent for collecting the same, that he is put to great Cost and Charge in riding over so large a County to Collect the Excise—Praying something more may be added for his time and trouble in Collecting the same Excise.

In the House of Representatives; Read and Voted that the Petitioner be allowed one per Cent over and above the two per Cent already allowed by Law, from March 26th 1760, to March 26: 1761. In Council Read and Concurred Consented to by the Governor."—*Ibid.*

"March 26, 1761. William Lawrence Esqr from the House came up with a Message to the Board proposing to come to the choice of Collectors of Excise for the ensuing Year at ten o'clock to morrow Morning.

William Brattle Esqr from the Board went down to the House of Representatives with a Message to acquaint them that as the Power of the Collectors for the last Year was now expired, the Board would propose that the choice of those Officers might come on this day in the Afternoon, in Answer whereto Colo Clapp came up with a Message from the House to acquaint the Board that the House Agreed to said Proposal.

Colo Clapp from the House came up again with a Message from the House to inform the Board, that they were ready to proceed to the Choice of Collectors of Excise, as had been Agreed by the two Houses; whereupon the Board appointed Samuel Watts, Ichabod Plaistead and Nathaniel Sparhawk Esqrs to join with such Committee as the House shall appoint in sorting and Counting the Votes. The Votes being accordingly brought in, sorted and Counted, it appeared that the following Persons were chosen by a Major Vote of the Electors, to all which his Excellency signed his Consent and Commissioned them accordingly, Viz^{t}

For the County of Suffolk	Mr Thomas Fletcher
For the County of Essex	Daniel Epes junr Esqr
For the County of Middlesex	Mr John Remington
For the County of Hampshire	Mr Gad Lyman
For the County of Worcester	Gardner Chandler Esqr
For the County of Plymouth	Mr Nathaniel Little
For the County of Barnstable	Nathaniel Stone Esqr
For the County of Bristol	Mr Seth Williams junr
For the County of York	Mr Daniel Clarke
For the County of Dukes County	Mr Jonathan Allen
For the County of Nantucket	Mr Obed Hussey
For the County of Cumberland	Mr William Livermore
For the County of Lincoln	Mr Jonathan Bowman."

—*Ibid.*, *p.* 666.

"April 18, 1761. A Petition of John Larrabee Lieutenant of Castle William Setting forth—That he hath resided at said Fortress for Forty Years and upwards, during which time it hath been the priviledge of the Person in his Station to supply the Garrison, and trancient People with Spirituous Liquors, besides which, his entertaining of Strangers of better Rank has been somewhat expensive to him.

That he imagines it was not the Design of the Government to make him chargeable with the Duties of Excise, tho' by the letter of the Law the Collector thinks himself bound to demand it of him And Praying that he may be relieved.

In the House of Representatives; Voted that the Prayer of this Petition be so far granted as that the Collector of the Excise for the County of Suffolk be, and is hereby directed not to demand of the Petitioner any Excise on Spirituous Liquors used or disposed of by him by Retail at his Majestys Castle W^m and that he be freed from all obligations to pay the same In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 757.

"Feb. 6, 1762. A Petition of Jacob Joy of Weymouth—Setting forth That at the desire of many People in a time of Sickness he had sold Rum in the said Town, having obtained the Approbation of the Selectmen, but had not a License from the Court of Sessions, That the Collector of Excis for the County of Suffolk hath prosecuted him for breach of Law and recovered of him upwards of Twenty four pounds, And Praying that he may be relieved.

In the House of Representatives Read and Ordered That the Prayer of the Petition be so far granted as that the Collector of Excise for the County of Suffolk be directed to remit unto the Petitioner the Provinces part of the Fine on the several convictions mentioned in the Petition, the Petitioner first paying Two pounds, six shillings and eight pence being the duty on 70 Gallons of Rum and Spirits sold by him—In Council Read and Concurred Consented to by the Governor."—*Ibid., vol. XXIV., p.* 233.

"Feb. 23, 1762. In the House of Representatives; The House being informed that M^r William Livermore who was appointed by this Court to collect the Excise on spiritous Liquors in the County of Cumberland the last Year dyed before he had entered upon that Service, and also that the Justices of the Court of General Sessions of the Peace for the County of Cumberland had omitted the appointing of a Collector in the room and stead of the deceased for which reason the Province is in danger of loosing the Excise of the County of Cumberland for the last year unless prevented by this Court Court, Therefore Resolved That Theophilus Bradbury the Collector of Excise for the ensuing Year in the County of Cumberland be, and he is hereby directed and impowered to collect the Excise in the County of Cumberland which the said deceased (if he had survived) should have collected in as full and ample manner to all intents and purposes as the said deceased could or ought to have done, and account with the Treasurer of the Province for the same.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 285.

"June 5, 1762. A Petition of Bildad Fowler of Westfield—Setting forth, That on the 10^th April 1759, He imported from Connecticut One hogshead of Rum and on the 2^d of May following one other hogshead of Rum which he sold to two several Innholders in the County of Hampshire, and about the same time he imported three other hogsheads of Rum which he likewise sold to two other Innholders in the said County, all which was contrary to Law but not intended to defraud the Government of the Excise, inasmuch as the purchasers paid the same; and for which he is prosecuted by the Collector of Excise in the said County, And Praying that he may be discharged of the Penalties he has incurred thereby.

In the House of Representatives Read and Ordered That this Petition be revived: and it appearing that the Duties of Excise upon the Liquors within mentioned have been duly paid. Resolved That the Petitioner be discharged from any payment on the Bond within mentioned so far as it may respect or contain any Fine or Forfeiture due to the Government. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 406.

"June 15, 1762. A Petition of Michael Malcolm of George Town in the County of Lincoln—Setting forth, That some time the last Fall, he inadvertently sold a barrell of Rum to an Innholder lawfully licensed not knowing he was in the breach of the Law for so doing And Praying the compassionate consideration of the Court with regard to the penalty which he hath thereby incurred.

In the House of Representatives, Resolved That the Prayer of the Petition be so far granted as that that part of the penalty which accrues to the Province from said Forfeiture to remitted to the Petitioner—In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 443.

"June 15, 1762. A Petition of Allan Malcolm of George Town—Setting forth, That sometime the last Fall he inadvertently sold a barrell of Rum to an Innholder lawfully licensed, not knowing that he was in the breach of the Law for so doing, And Praying the compassionate consideration of the Court with regard to the Penalty of the Law which he hath thereby incurred.

In the House of Representatives Resolved That the Prayer of the Petition be so far granted as that that part of the Penalty which accrues to the Province from said Forfeiture be remitted to the Petitioner—In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 444.

"June 15, 1762. A Petition of Samuel Lee of Great Barrington—Setting forth That He had for several Years been an Innholder in Upper Sheffield now Great Barrington 'till August 1760 when the Selectmen of Sheffield refused to approbate him: that there being no Public House near him, he supplied divers Soldiers with Rum for which he voluntarily had paid the Excise, so that the Government was not defrauded, and Praying that he may be excused from the Penalty of the Law—

In the House of Representatives (12^th) Read and Ordered That the Prayer of the

Petition be so far granted, that the Petitioner be discharged from the Penalty for selling strong Liquors, within mentioned so far as it belongs to the Province.

In Council Read and Nonconcurred."—*Ibid.*, *p.* 445.

"June 15, 1762. A Petition of Joseph Clark of Blanford—Setting forth, That in the Year 1760 He purchased a licensed House and purchased a barrell of Rum, but being sick in August when he should have applied for a License, he did not renew the license, and his House lying in the Road used by the Soldiers sold the same out to them: And he bought the said Rum of a Retailer who had paid the Duties of Excise thereon—Praying that he may be exempted from the Penalty of the Law—

(12th) In the House of Representatives Read and Ordered That the Prayer of the Petition be so far granted that the Petitioner be discharged from the Penalty for Selling strong Liquors within mentioned so far as it belongs to the Province.

In Council Read and Nonconcurred"—*Ibid.*

"June 15, 1762. A Petition of James Saxton of Sheffield—Setting forth, That he hath for several Years been an Innholder in said Town but did not renew his License in August last, although he afterwards sold out two Quarts of Rum to Soldiers on their March, And Praying that he may be exempted from the Penalty of the Law—

In the House of Representatives (12th) Read and Ordered That the Prayer of this Petition be so far granted, that the Petitioner be discharged from the penalty for selling strong Liquors within mentioned so far as it belongs to the Province.

In Council (12th) Read and Nonconcurred."—*Ibid.*

Chap. 30. "A fire broke out in Boston on the twentieth of March, and raged with such violence, that, in about four hours, it destroyed nearly a tenth part of the town."—*Holmes's Amer. Annals, vol.* 2, *p.* 251.

The measures taken by the Assembly for the relief of the sufferers by this fire, and other particulars relating thereto, are reserved for the Appendix.

"March 22, 1760. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses respectively

Gentlemen of the Council and House of Representatives

As the late Fire in the Town of Boston hath laid Waste a Quarter that is extreemely well Situated for carrying on the Trade of this Metropolis of the Province if some effectual measures were taken to regulate, and Widen some of the Streets which now lye desolate, and to Open any New Streets or Lanes that might be judged useful, and to prevent the more effectually the building with Wood: I should hope in course of time that this ruinous Quarter of the Town would be rebuilt in such manner as to make it as Safe beautiful and commodious as any part of the Town whatever; and in the end prove an Encouragement to the Trade and business of it.

The Parliament of England in their Wisdom thought fit after the Great Fire which happened in London in the year 1666, to Enact a Law for rebuilding the City many of the Regulations mentioned in that Law must suit the present Case of the Town of Boston. The Lord Mayor, Aldermen and Common Council were impowered to lay out Streets: and adjust any differences that might be occasioned thereby, to regulate the Buildings, and prevent exorbitant prices of Materials and Workmen. I would recommend it to your Serious consideration whether some of the magistrates or Selectmen of this Town might not with Propriety be Vested with some of the like Powers for carrying into Execution so useful a Design here.

March 22d 1760— T: Pownall."—*Council Records, vol. XXIII., p.* 288.

"March 25, 1760. In the House of Representatives The House agreeable to the Order of the day entered into the consideration of his Excellencys Message of the 22d Instant and after a debate — Voted That the Members of the Town of Boston together with Mr Higginson, Mr Hatch, and Capt Goldthwait with such as the honourable Board shall appoint be a Committee to take the said Message under consideration and report.

In Council Read and Concurred. And his Honour the Lieut Governor, Jacob Wendell, Benjamin Lynde, Andrew Oliver, James Bowdoin, and Peter Oliver Esqrs are joined in the Affair."—*Ibid.*, *p.* 296.

"April 24, 1760. A Petition of Charles Paxton Esqr and others — Setting forth That there were divers Tanyards in that part of the Town that was latly consumed by Fire, that the Buildings appertaining to them were burnt, and larger streets are now laying out there, which would induce persons to build good Dwelling Houses in said Streets in case the Tanyards could be removed. And Praying the Interposition of the Court for that purpose.

In Council Read and Ordered That William Brattle and James Bowdoin Esqrs with such as the honourable House shall join be a Committee to consider of this Petition and report.

In the House of Representatives Read and Concurred and Mr Flucker Mr Russell and Mr Tyler, are joined in the Affair."—*Ibid.*, *p.* 365.

"April 24, 1760. In the House of Representatives Ordered That the Committee of both Houses appointed to regulate the Buildings in the Town of Boston and to apply home for relief &c be directed to sit forthwith. In Council Read and Concurred."—*Ibid.*, *p.* 366.

"April 25, 1760. The Committee appointed Yesterday on the Petition of Charles Paxton Esqr and others, for removing certain Tanyards in the Town of Boston made report.

In Council Read and Accepted, And Ordered That the further consideration of this Petition be referred to the second Wednesday of the next May Session; and that it be an instruction to the Persons impowered by an Act of this Court to regu-

late the Streets & Buildings latly laid Waste by Fire, not to suffer or grant Permission for erecting any Buildings on the premisses in the mean time.

In the House of Representatives Read and Nonconcurred and Ordered that this Petition be dismissed."—*Ibid.*, *p.* 367.

"Aug. 15, 1760. A Petition of James Dalton of Boston, in the County of Suffolk Mariner, Setting forth, that tho' he had no Buildings consumed by the late Fire, yet the Damage he has sustained by demolishing his Buildings to prevent the spreading of the Fire Amounts to near One hundred and fifty pounds Lawfull money, That this is a small Damage compared with what he is like to suffer by having the Street laid out, from the Head of Leverets Lane at King street, down to Water street, and th*ough your Memorialist's land, lying Eastward of his Dwelling House, as the Committee for laying out Streets have it, and which has been Confirmed, by the Great and General Court—That he would not pretend to complain of the running of the Streets as it is now stated, barely on his own Account, but he is well assured, that he is able to make it evident that if the Street was to run as it was at first laid out, by the Hon^ble^ Committee, which is about 26 feet further Westwardly than where it is now laid out, the Expence to the Town would not be so great and all the Estates abutting on both sides of the Streets, and upon Atkinsons Street also will be much benefited, for hereby the Street will be strait upon the West side and runing across Milk street, so joins with Atkinsons Street, as exceedingly to add to the Beauty and Convenience of the same, from the North side of King street, down a great way into Atkinsons Street, and it would save great Expence to the Town, for if the street runs as it is at present stated, it will take full two Thirds of the Rev^d^ M^r^ Brighams Estate out of the Middle, and leave two small useless strips of land, one to the West of the street, and another to the East of it, and as this street is to run through that Part of the Town, which has been, and will be most full † Business, it will be of more General Convenience, to all Persons in General, both in Town and Country, with regard to the Private Interest of the Memorialist, he begs leave to say, that if the street should run, as it was at first laid out, thrô his Messuage, in that Case it takes 166 feet in length, and 35 feet in Bredth through the Middle of his land, which seems no small Hardship, as the Fire never touched his Estate—Wherefore your memorialist prays Relief,

In the House of Representatives Voted that Francis Borland Esq^r^ William Hall, and Joseph Calef be notified to shew Cause (if any they have) at three o'Clock this Afternoon, why the Prayer of the Petition should not be granted. In Council Read and Concurred In Council Read again, and Ordered that this Petition be dismissed.

In the House of Representatives; Read and Nonconcurred and Ordered that the Committee heretofore appointed to lay out the ways, be impowered to alter the street agreeable to the Prayer of the Petition, if they judge proper, the Law in that Case Notwithstanding.

In Council Read and Nonconcurred."—*Ibid.*, *p.* 496.

"Dec. 27, 1760. On the Petition of James Dalton, as entered the fifteenth day of August last.

In the House of Representatives; Read and Ordered that the Committee heretofore appointed to lay out the Streets in the Town of Boston, be impowered to make the Alteration, agreeable to the Prayer of the Petition, if they judge proper, the Law in that Case Notwithstanding.

In Council Read and Concurred and further Ordered, that the said Committee do Consider the Petition of Francis Borland Esq^r^; or the Application of any other Persons against the Prayer of this Petition.

In the House of Representatives; Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 539.

Chap. 31. "Jan. 12, 1759. A Petition of Cornelius Tarbell of Danvers in the County of Essex—Setting forth That He hath several Tracts of Land so situated and intermixt with Lands of his Neighbours; that it is agreed by all Parties to be most convenient to inclose the same into two common Pastures; but that he has found by long Experience that his Neighbours will not subject themselves to any just Rules for the equitable Improvement of said Lands in proportion to their several Interests. And Praying that some Law be enacted for the regulation of this and the like Cases.

In the House of Representatives Read and Ordered That the Petitioner serve the several Persons interested in the Lands mentioned with an Attested copy of this Petition, that they shew cause (if any they have) on Friday the 19^th^ Instant, if the Court be then sitting, if not, on the first Friday of their next Sitting why the Prayer thereof should not be granted. In Council. Read and Concurred."—*Council Records, vol. XXII.*, *p.* 484.

"March 19, 1759. A Petition of Cornelius Turbell—Praying as entered the 12^th^ January last.

In Council Read again together with the answer of Ebenezer Nourse and Others. And Ordered That Isaac Royall Esq with such as the honourable House shall join be a Committee to take the same under consideration, and report what they judge proper for the Court to do thereon.

In the House of Representatives. Read and Concurred & Col^o^ White and Col^o^ Buckminster are joined in the Affair."—*Ibid.*, *p.* 608.

"March 23, 1759. The Committee appointed the 19^th^ Instant on the Petition of Cornelius Tarbell reported their opinion—That the Prayer of the Petition be so

* *Sic*: through? † *Sic*: "of" omitted?

far granted as that the Petitioner have liberty to bring in a Bill to remedy the Inconveniences in said Petition mentioned.

In Council. Read and Ordered That this Report be accepted, and that the Petitioner have leave to bring in a Bill accordingly.

In the House of Representatives. Read and Concurred."—*Ibid.*, *p.* 621.

"Prov. of the Mass^ts Bay in New England } To his Excel^y Tho^s Pownal Esq^r Capt^n Gen^al & Gov^r in Chief in & Over The Province aforesaid

To The Honbl The Council & House of Representatives in Gen^l Court Assembled

John Turner of Salem in y^e County of Essex Humbly Shews.

That he and Timothy Fullar of Middleton in y^e County of Essex, are Tenants in Comon of The Island in Salem aforesaid Called Bakers Island About a Quarter Part whereof belongs to y^e said Fullar and the rest to your Pet^r

That The Island Contains About Sixty Acrees, and The best, & Indeed y^e Only Advantagious Method of Improveing it, is by feeding Cattle Thereon and So it has been Improved, but the Said Fullar, hitherto has put More than his Just Proportion Thereon, And will not Agree To Stint y^e Island, Sell his Interest Therein, or purchase your Pet^rs, And their Interests Cannot be keept Seperate by fenceing, because the Sea, in Storms, Beats down & destroys all Fences, That have, or Can be made, So That Your Pet^r is in danger of Looseing great part of his Interest in y^e Island aforesaid Unless Relieved by Your Excel^y & Hon^rs

Wherefore he humbly Prays That The Superiour Court of Judicature &c May be Impowered, Upon Application Made to them by Any One of y^e Propriators of y^e Island afores^d Setting forth That they Cannot Agree upon the Proportion of Cattle Each propriator Shall put or keep on y^e Island aforesaid To Feed, To Appoint a Comittee of Three or More persons, Under Oath to Settle y^e proportion & Determine the Number of Sheep Horses or Othere Cattle Each Propriator Shall put or keep on the Island afores^d To feed there, According to his Interest Therein, haveing regard to the Quality as well as y^e Quantity of land Each propriator Owns, and that the report of That Comittee, or y^e Major Part of them Accepted by y^e Court & Recorded There May be the Rule by which Each Propriator Shall be Obliged, Under Sufficient Penalties to govern himself, Until y^e Farther Order of that Court, Or that Your Excel^y & Hon^rs Would Otherwise releive Your Pet^r in y^e Premises, as in Your wisdom You Shall Judge best. And Your Pet^r &c.

John Turner.

In the House of Rep^ives Feb^y. 13. 1759—Read and Ordered that the Pet^r serve the other Proprietor within named w^th a Copy of this Pet^n that He shew cause if any he hath on the second thursday of the next Sitting of this Court why the Prayer thereof should not be granted

Sent up for concurrence

In Council Feb^y 13, 1759 T. Hubbard Spk^r

Read & concurrd

A. Oliver Sec.

In Council March 8^th 1759 Read again together with the Answer of Timothy Fuller; and Ordered That Isaac Royall Esq together with Such as the Hon^le House shall join be a Committee to take the Petition and Answer under Consideration hear the Parties and report what they judge proper for this Court to do in the Affair

Sent down for Concurrence

A. Oliver Sec.

In the House of Rep^ives March 9 1759.

Read and Concurd and Col^o Buckminster and Col^o White are Joyned in the Affair

T. Hubbard Spk^r

In Council March 23^rd 1759 Read & Ordered that the further consideration of this Petition be referred to the second Wednesday of the next sitting of this Court sent down for Concurrence

Tho^s Clarke Dp^ty Secry."

—*Mass. Archives, vol.* 105, *p.* 598.

"Province of the Massa bay } To his Excellency Thomas Pownall Esq^r Captain General & Governor in Chief the hon^ble the Council and hon^ble house of Representatives of the said Province in General Court assembled at Boston March 8^th 1759.

Timothy Fuller of Middleton in Answer to the petition of John Turner of Salem Esq^r—

Humbly Sheweth

That he the respond^t is not a tenant in common of the said Island with the pet^r but his part thereof was long since set off & divided from the rest by meets & bounds—

That he doth not think that feeding is the most profitable improvem^t that can be made of his part thereof but thinks after long experience of it that it will be much more Advantageous for your respond^t to improve his own part thereof by mowing for the future notwithstanding the Supposed difficulty of upholding any fence there between his & the pet^rs land there; for your respond^t is fully perswaded that by making about twenty rods extraordinary of good Stone wall such a fence may be forever upheld between them at a very little expence insomuch that he has for Sometime past been fully resolved so to improve his part by himself unless prevented by your Excellency & honors and your respond^t has nothing to object against your pet^rs going on in his old way of feeding his land there as long as he pleases and only begs the same liberty to himself of trying another way of improving his own part being tired out with feeding it any longer and Therefore your respond^t prays he may not be hindred from so doing wherefore he prays the petition aforesaid may be dismissed—

And as in duty bound will ever pray &c. Timothy Fuller."—*Ibid.*, *p.* 602.

Chap. 35. "April 18, 1760. A Memorial of Daniel Farnham Esq^r of Newbury—Setting fourth—That in the year 1750. An Act passed the Great and General Court for raising the sum of £1200—by Lottery for building and maintaining a Bridge over the River Parker in the Town of Newbury at the place called Old Town Ferry.

That the said Bridge is now compleated and of great Publick service, the cost whereof and the Charges of the Lottery amounts to £1678 18 4½ And Praying that another Lottery may be allowed for raising the sum that is deficient, and inasmuch as Thomas Berry Esq^r one of the late managers is dead, and John Greenleaf Joseph Gerrish and Joseph Atkins Esq^rs being grown Aged and infirm desire to be excused from acting any further in the business praying that some other meet persons may be appointed managers in their room.

In Council Read and Ordered That the Petitioner have liberty to bring in a Bill for a Lottery or Lotteries to raise the sum of six hundred pounds in order to reimburse the sums advanced by the managers of the late Lottery for Building a Bridge over the River Parker, the Surplus (if any there be) after the necessary Charges of said Lotteries are paid to be applied towards keeping the said Bridge in repair.

In the House of Representatives Read and Concurred—*Council Records, vol. XXIII., p.* 337.

"Sir, We have had under our consideration the Laws passed in the Province of Massachusets Bay, between February and April 1760 amongst which there are several providing for the temporary and inconsiderable services of Ferrys, Roads &c. by Lotterys, which is a mode of raising money, that in our opinion ought not to be countenanced and hardly to be admitted into practice, upon the most pressing exigency of the State, more especially in the Colonys, where the forms of Government may not admit of those regulations and checks which are necessary to prevent fraud and abuse in a matter so peculiarly liable to them.

We cannot therefore but disapprove these Laws upon their general Principles, but when we consider the very unguarded and loose manner in which they are in general framed, the Objections are so many and so strong that We should certainly have thought it our duty to have laid them before His Majesty for His Majesty's disapprobation, were we not restrained by the consideration that the purposes for which they were passed, having been carried into full execution and the Acts had their full operation and effect, some inconveniences might attend the disannulling them; but it is our duty to desire that you will not for the future give your Assent to any Laws of the like nature."—*Lords of Trade to Gov. Bernard, April* 21, 1761: "*Mass. Bay, B. T.,*" *vol.* 83, *p.* 44, *in Public-Record Office.*

"Their lordships then passed to another affair, and Lord Sandys having in his hand four acts for lotteries, he inveigh'd against them as mischievous in their nature, destructive to labor & industry, and introductive of the spirit of gaming, ever attended with many ill consequences. In excuse for these acts, I observed that the distresses occasion'd by the heavy expence of the war, of which the province had taken so large a part, had probably brought these lotteries into use; and the whole board having concurr'd with his lordship in declaring their evil nature, I told their lordships I wou'd take the first opportunity of acquainting the general Court with their sentiments thereupon. It is needless to say that many of the most able statesmen as well as divines have always declared against the use of lotteries, and being fully persuaded that the continuance of them wou'd prejudice the province's desirable character in the minds of some of their best friends, as well as be disagreeable to others, I think it my duty to recomend a total disuse of them."—*Agent Bollan to the Speaker, May* 8, 1761: *Mass. Archives, vol.* 22, *p.* 190.

See, also, note to 1765-66, chapter 21, *post.*

Chaps. 36 and 37. See note to chapter 35, *supra.*

Chap. 38. "Jan. 9, 1760. A Petition of Nathanael Bartlett and Others, Proprietors in a certain Beach at Monument Ponds in the Township of Plymouth, and in a certain Tract of marshy Land now lying under Water there—Setting forth That there used formerly to be cut about eighty Loads of Hay yearly on said marshy Ground, and that there is a fine Brook running into the Sea by said Beach, through which Brook there used formerly great quantities of Alewives to go up to cast their Spawn; but that of late by reason of Cattle feeding on said Beach, the same has been greatly lowered, and the Sand blown into the Brook and on great part of said meadows, so that the course of the Brook has been Obstructed, and the Water raised so as to overflow the marshy Ground to the great damage of the Petitioners and of the Vicinity; And Praying that they may be enabled to go into Measures for the remedy of these Evils and that the Charges thereof may be borne by each proprietors in proportion to his respective Interest.

In the House of Representatives Read and Ordered That the Petitioners serve the other Proprietors (non Petitioners) with a Copy of this Petition, that they shew cause (if any they have) on the first Friday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council. Read and Concurred."—*Council Records, vol. XXIII., p.* 156.

"April 18, 1760. A Petition of Nathaniel Bartlet and others of Plymouth Praying as entered the 9th January last, that some order may be taken to prevent Horses and Cattle from feeding on a Certain Beach and Tract of Marshy Ground at Monument Ponds in the Township of Plymouth.

In Council Read again and it appearing that one of the principal Proprietors of the Beach mentioned had been duly notified and no Answer given in. Ordered That the Petitioners have liberty to bring in a Bill for the purposes mentioned in their Petition.

In the House of Representatives Read and Concurred."—*Ibid., p.* 337.

Chap. 39. "June 7, 1759. A Petition of James Merick and Others, Inhabitants of the West part of Brimfeild—Setting forth the difficulties they labour under by reason of their distance from the place of publick Worship; and that their numbers are now so increased, that they are willing to support the Gospel by themselves. And praying they may be made a seperate District by certain Metes and Bounds as described in said Petition.

In the House of Representatives. Read and Ordered That the Petitioners serve the Town of Brimfeild with a copy of this Petition that they shew cause (if any they have) on the second Friday of the next Sitting of this Court why the Prayer thereof should not be granted.

In Council. Read and Concurred."—*Council Records, vol. XXIII., p.* 19.

"Jan. 14, 1760. A Petition of a number of the Inhabitants of the West part of Brimfield—Praying as entered the 7th of June last that they may be formed into a seperate District.

In Council. Read again together with the Answer of the Town of Brimfield. And Ordered That Samuel Watts and William Brattle Esqrs with such as the honourable House shall join be a Committee to take the Petition and Answer under consideration and report what they judge proper for this Court to do thereon.

In the House of Representatives. Read & Concurred and Docr Sawyer, Captn Bliss, and Colo Ward are joined in the Affair. Further Voted That the Petitioner* of William Scot junr be also committed and considered and reported upon by said Committee. In Council. Read and Concurred."—*Ibid., p.* 171.

"January 15, 1760. The Committee appointed Yesterday upon the Petition of a Number of the Inhabitants of the West part of Brimfield, to whom likewise was referred the Petition of William Scott Junr reported as follows, vizt

The Committee have attended the Service assigned them fully heard the Parties and are unanimously of opinion that the Petition be dismissed.

(Signed) W: BRATTLE p' Order.

In Council. Read and Accepted. And Ordered That this Petition be dismissed accordingly. In the House of Representatives (17th) Read and Concurred."—*Ibid., p.* 172.

"April 19, 1760. A Petition of a Number of Inhabitants of the Westerly part of the Town of Brimfield. Praying that they may be erected into a District by certain bounds therein mentioned.

In the House of Representatives Read and Ordered That Major Cushing, Capt Bliss, and Capt Hubbel with such as the honourable Board shall join be a Committee to take this Petition (together with the Petition of John Thompson and others of Palmer accompanying the same) under consideration and Report.

In Council Read and Concurred and George Leonard & Benjamin Lincoln Esqrs are joined in the Affair."—*Ibid, p.* 344.

"April 22, 1760. The Committee appointed the 19th Instant upon the Petition of a number of the Inhabitants of the Westerly part of Brimfield Praying to be erected into a seperate District, having reported in favor of said Petition.

In Council Read and Accepted and Ordered That the Petitioners have liberty to bring in a Bill accordingly.

In the House of Representatives Read and Concurred."—*Ibid., p.* 350.

Also see note to chapter 6, *ante*, under date of June 12, 1760.

"April 18, 1761. In the House of Representatives; Whereas by one Law of this Province made in 1760. a certain part of then Township of Brimfield was erected into a seperate District by the name of Monson bounding as follows vizt beginning at the Ford way at Chicobee River at Benjamin Coltons the Westerly side, thence running a direct course to a Chesnut Tree standing a little Northerly of a House belonging to the heirs of Ezra King deceased; thence South 8d 8 West to the Southerly line of said Brimfield and so extending West on the Colony line to Springfield Bounds, thence Northerly to the County Road that goes from Boston to Springfield, from thence as the Country Road runs to the Bridge that crosses said River and as the said River runs to the place first mentioned. And Whereas afterwards an Order passed this Court that the Inhabitants together with all the Lands lying in the said Town of Brimfield North of the Country Road leading from Boston to Springfield be sett off to the District of Palmer by the bounds following vizt beginning at the Bank of Chicobee River at the North side of said Country Road by the Foot of Scots Bridge so called, then following said Road and bounding South thereon to Springfield line aforesaid, then turning up said River bounding Northerly and Easterly thereon to the Bridge aforesaid.

And Whereas a doubt arises whether the said Country Road from Springfield to Boston aforesaid vizt that part thereof which lies between the East bounds of said Springfield and the Bridge aforesaid be in said Palmer or said Monson or rather whether it be in either, or they obliged to amend or repair the same, and in consequence thereof each of said Districts refuse to repair the same, thô greatly out of repair And Whereas by said order a considerable addition of Inhabitants is made to said Palmer.

Therefore Resolved and Ordered that the said High way from the said East line of said Springfield to said Bridge be and hereby is sett off and annexed to the said District of Palmer, and make part thereof; and that the Southerly line of that part of said Palmer that was heretofore part of said Brimfield shall bound Southerly on the Southside of the same County Road, anything in the aforesaid Act being otherwise Notwithstanding; and that said District of Palmer be obliged to Repair and amend the same for the future as part of the Highway of said District as often as the same stands in Need of Repairs.

* *Sic:* petition.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 755.

"June 12, 1762. A Petition of the District of Monson by their Committee Samuel King and Others, Praying for a Tax of 2^{d} ℔' Acre on the unimproved Lands in the said District for two years in order to enable them to build their Meeting House, and to settle and support a Minister, the number of Families therein not exceeding forty five rendering the burden too heavy for the Inhabitants.

In the House of Representatives; Read and Ordered That the Petitioners serve the Proprietors of the unimprov'd Lands in the within District with a copy of this Petition by inserting the substance thereof in one of the Boston News Papers three Weeks successively, that they shew cause (if any they have) on the second Friday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council Read and Concurred."—*Ibid.*, *vol. XXIV.*, *p.* 434.

"Jan. 13, 1763. A Petition of Samuel King and others a Committee of the District of Monson, Praying for a tax of 2^{d} ℔' Acre upon the whole of the Lands in the said District for two Years to be applied towards building their Meeting house; there being but forty Families in the said District, which causes the burthen to ly very heavy on the Inhabitants.

In the House of Representatives Read and Ordered That the Petitioners notify the nonresident Proprietors of the District of Monson of the Substance of this Petition by inserting the same in one or more of the Boston News Papers three weeks successively, as also by Advertising the same at some public place in the said District, that so they may shew cause if any they have on the first Thursday of the next Session of this Court why the Prayer thereof should not be granted. In Council Read and Concurred."—*Ibid.*, *p.* 490.

"Feb. 7, 1763. In the House of Representatives, The House being informed by divers Members that the Bounds of Brimfield, the Districts of Monson and Palmer in the County of Hampshire as settled by this Court is so uncertain that sundry disputes have arose, and without the interposition of this Court many more are like to arise within said Town and Districts and their Surveyors of Highways respecting the repairing the Great Road leading from Boston to Springfield thrô part of the said Districts, and the two Bridges erected over Chicopee River, one on the Easterly side of said Palmer between said Palmer and Brimfield and the other on the Westerly side of said Palmer near William Scots dwelling house, Therefore for the preventing all such disputes for the future, and that the said Town and Districts and the Surveyors of Highways within their Limits may fully understand their duty, and that the said Road and Bridges may be kept from time to time in good Repair, Resolved That the Bridge over Chicupee River on the East side of the District of Palmer between Palmer and the Town of Brimfield upon said Road be annexed to the Town of Brimfield, and that the Town of Brimfield shall keep the same in good repair from time to time as there shall be occasion, and shall be lyable to the same Pains and Penalties of the Law respecting the same as other Towns respecting Highways are. And that the District of Palmer be alike enjoined to maintain and keep in good repair the other Bridge over said River near the dwelling house of William Scott in said Palmer, and the whole of the Country Road from the last mentioned Bridge towards the East line of the Town of Springfield until it is full one half the way thither wheresoever the same shall happen; and that the Remainder of said Road to Springfield Line be annexed to the said District of Monson and the Inhabitants thereof be alike enjoined from time to time to keep the same in good repair. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 554.

Chap. 40. "April 26, 1760. Brigadier Brattle went down to the House of Representatives with the following Message from his Excellency the Governor having first Read the same in Council viz^{t}

Gentlemen of the Council and House of Representatives

By the several calls which the Kings Service in different parts of North America have made on General Amherst for Troops you may perceive how difficult it is for him to spare any of those destined for the Western Service to be employed in relieving those of our People at the Eastward who after the expiration of their time of Service do not choose to Inlist again.

From the Generals constant Attention to Oblige this Government and his strict observance of his Engagements You may be assured that he has not a thought of detaining our Men Contrary to such Engagements; the only difficulty is how to relieve them, and as he is distressed in that point, in the same manner as this Government is also distressed about it I would recommend it to your consideration, whether some Measures between both might not be thought of that may relieve the difficulty on both hands.

April 26: 1760. T: POWNALL"—*Council Records*, *vol. XXIII.*, *p.* 376.

"April 26, 1760. In the House of Representatives. The House taking into consideration his Excellency's Message of this day to both Houses. Voted That his Excellency be desired forthwith to give orders for the immediate inlisting of 500 Men to be employed in his Majestys Service at Louisbourg and Nova Scotia under the Command of the General of his Majestys Forces in North America for the relieving such of the Forces belonging to this Province that are now there and shall not incline to inlist anew for this Years Campaign. And that as fast as the Companies shall be Compleated, each to consist of One hundred men including Officers, that may be sent to Louisbourg and Nova Scotia for the purposes aforesaid. And that his Excellency be desired to write to General Amherst to make Provision for the transportation of said 500 men and to give the necessary orders for the dismission of all the Forces there belonging to this Province, that shall not inlist

again as aforesaid, and for their Conveyance home. And further Voted That each Soldier that shall inlist on or before the twentieth day of May next for his Majesty's Service at Louisbourg and Nova Scotia shall receive the same bounty and be paid in the same manner as the bounty granted to the 5000, men already Agreed to be raised by this Government, and shall receive the same Wages and shall be dismissed at the same time. And further Voted That his Excellency the Governor be desired to Commissionate Gentlemen belonging to this Province as Officers over the said five hundred Men.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 379.

"May 5, 1760. His Excellency having laid before the Board two Letters from Major General Amherst of the 30th of April relative to the Measures taken by this Government for relieving our Troops at Louisbourg and Nova Scotia by which it appeared that General Amherst had made no Provision for the Transportation of the 500 Men granted by this Government for the Relief of said Troops, nor had given any Orders for their Relief in Case these 500 Men or any part of them should be sent down to relieve said Troops and that he desired to hear no more of said Relief And further that it would Answer no manner of purpose as by the time these New Levies can get there, the others will be coming back,

Unanimously Advised that his Excellency acquaint the Commanding Officers of the Provincial Troops at the Several Ports at Louisbourg and Nova Scotia of the Several matters mentioned in the Generals said Letters, and that his Excellency give orders to Suspend the Inlisting of any more Men for the relieving the Troops at those Several Ports until he can hear from said officers what Number of the Men now there shall Inlist, or until the General shall make Provision for the Transportation of the New Levies and give the necessary Orders for the relief of the others.

Ordered by the Governor."—*Executive Records of the Council, vol.* 4, *p.* 230.

"May 17, 1760. Advised that his Excellency give orders for Compleating the Enlistment of the 500 Men Voted by the General Court on the 26th of April last, the Advice of Council of the 15th instant for suspending said Enlistment Notwithstanding

Ordered by the Governor."—*Ibid.*, *p.* 234.

"The late Court had made Provision for the raising exclusive of the other Levies, 500 men to relieve those of this Province Troops doing Duty at Cape Briton and Nova Scotia, as should not reinlist after the expiration of their Time of Service. I gave immediate Orders for raising said Men, but as the General acquainted me that these Troops at the Eastward would be coming away before the New raised Men could get down, and to save the Province a needless Expence of Men and Money declined said Relief. I by Unanimous Advice of Council suspended any Orders for that particular Levy. But as a great number of the People stationed at St Johns have since actually come off and as under the present Circumstances of things, the General will not be able to relieve those Garrisons in the manner he intended, I again continued my Orders for the raising those 500, Men. As the time limited for the giving the Bounty is elapsed, I must recommend it to you to continue the Provision to such Time as may be necessary, and to do every thing further necessary to carry this Service into Execution.

Council Chamber May 29th 1760 T: POWNALL."—*Extract from the Governor's speech to the Assembly: Council Records, vol. XXIII., p.* 392.

"May 29, 1760. The Secretary carried down to the House, a Petition signed this present Month by Lieutenant Colo Arbuthnott, and a number of his Officers at St Johns Nova Scotia, Also an Agreement signed by a Number of the Troops there to stay till they could hear from the Government, which had been communicated to the Board together with the Advice of Council concerning the raising the 500, Men provided for by the Province to relieve their Troops at Louisbourg, and Nova Scotia that a Certain Number have Agreed to stay untill they can have an Answer, and Praying that a Sufficient Number of Men may be sent for their Relief."—*Ibid.*, *p.* 393.

"June 17, 1760. Gentlemen of the Council and House of Representatives

The Encouragement, Voted by the Court for 500, Men to Inlist to serve at Nova Scotia, and Louisbourg, ceased the 15th Instant, I question whether above 300, Men, are yet Inlisted for that Service,

* * * * * * * *

and if you will continue the former Encouragement I will continue my endeavours that it may have the proposed Effect.

Council Chamber 17th June 1760— T: HUTCHINSON

In the House of Representatives, Voted that the time for the Inlistment of the 500, Men to serve at Nova Scotia, & Louisbourg which expired the 15th Instant be Continued till the 30th Current."—*Ibid.*, *p.* 453.

ACTS,

PASSED 1760–61.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-eighth day of May, A.D. 1760.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THREE HUNDRED POUNDS FOR THE SUPPORT OF HIS HONOUR THE LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

That the sum of three hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his honour Thomas Hutchinson, Esq., lieutenant-governor and commander-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of government. [*Passed June* 20; *published June* 23.

Grant of £300 to the lieutenant-governor.

CHAPTER 2.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT FOR THE BETTER REGULATING THE CHOICE OF PETIT JURORS.

Whereas, in and by an act made and pass[e]'d in the present year of his majesty's reign, intituled "An Act for the better regulating the choice of petit jurors," it is provided that the selectmen of each town within this province should, some time before the tenth day of April then next, take a list of the persons liable by law, and which they should judge able and well qualified, to serve on the petit juries, and lay the same before the town, at a meeting in May then next, in order to the town's proceeding thereon according to the directions of the said act; *and whereas*, in many towns, it hath happened, either thro' inadvertence or otherwise, that no such list hath been taken by the selectmen within the time limited by the said act as aforesaid, by means of which neglect doubts and controversies may arise, unless prevented by the authority of this court, —

Preamble. 1759-60, chap. 29.

Be it therefore enacted by the Lieutenant-Governo[u]*r, Council and House of Representatives,*

[Sect. 1.] That the time for taking such lists by the selectmen, and for their respective town's proceedings thereon, be extended to the last day of July next; and that in every town where the selectmen shall have taken such list, and the town shall have proceeded thereon according to the said act, either on or before the said last day of July

Selectmen to take lists of jurors in July.

next, the same proceedings shall be held valid and good to all intents and purposes whatsoever.

And be it further enacted,

Penalty for neglect.

[SECT. 2.] That in every town where no such list as is before mentioned hath been as yet taken by the selectmen, if they shall neglect to take such list and lay the same before the town 'till after the last day of July next, every selectman so neglecting his duty shall forfeit and pay the sum of three pounds, for the use of the county in which he dwells at the time of such neglect, to be recovered by action or information brought, by the treasurer of such county, before any of his majesty's courts of record within the same. [*Passed June* 12; * *published June* 23.

CHAPTER 3.

AN ACT TO IMPOWER WILLIAM BOLLAN AND JOHN POWNALL, ESQUIRES, TO RECEIVE SUCH SUMS OF MONEY AS HAVE BEEN ASSIGNED TO THE PROVINCE OF THE MASSACHUSETTS BAY, OUT OF THE GRANT MADE BY THE PARLIAMENT OF GREAT BRITAIN, FOR THE EXPENCES INCURRED BY THE RESPECTIVE PROVINCES IN NORTH AMERICA, IN THE LEVYING CLOATHING AND PAY OF THE TROOPS RAISED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND FIFTY-EIGHT.

Preamble.

WHEREAS the Parliament of Great Britain did, in the thirty-second year of his majesty's reign, grant the sum of two hundred thousand pounds sterling, to enable his majesty to give a proper compensation to the respective provinces in North America for the expences incurred by them in the levying, cloathing, and pay, of the troops raised by the same, in the year of our Lord one thousand seven hundred and fifty-eight, —

Be it enacted by the Lieutenant-Governour, Council and House of Represenatives,

William Bollan and John Pownall, Esqrs., empowered to receive parliamentary grant for 1758.

[SECT. 1.] That William Bollan, Esq., agent for said province, and John Pownall, Esq., and each or either of them in case the other shall refuse, or shall be prevented by death, sickness or otherwise, be and are hereby authorized and impowered to receive the whole and every part of the sum or sums which have been assigned by his most gracious majesty to the province of the Massachusetts Bay, as their proportion of the aforesaid sum of two hundred thousand pounds granted as aforesaid; and, on receipt thereof, to give proper discharges to the right honourable the lords commissioners of the treasury, therefor, or to any person or persons, whatsoever, in whose hands or possession the same may be; and that they pursue such instructions as the general court shall judge necessary with regard to the transportation of said monies to this province.

And be it further enacted,

Treasurer empowered to receive money on its arrival.

[SECT. 2.] That the treasurer of this province, for the time being, be and is hereby fully authorized and impowered to demand and receive the whole and every part of the monies aforesaid, from the commander or commanders of any vessel or vessels on board of which the same shall then have been ship'd, upon the arrival thereof in any port within this government. [*Passed June* 20; *published June* 23.

* Signed June 20, according to the record.

CHAPTER 4.

AN ACT TO AUTHORIZE AND IMPOWER BENJAMIN PRATT, JOHN WORTHINGTON AND JOSEPH HAWLEY, ESQRS., TO TRANSACT CERTAIN AFFAIRS OF THIS PROVINCE, RESPECTING THE UNAPPROPRIATED LANDS IN THE WESTERN PART THEREOF.

Preamble.

Whereas sundry persons have presumed to purchase of the Stockbridge Indians, so called, divers tracts of lands in the western part of this province, contrary to a law of this province made in the thirteenth year of the reign of King William the Third, intituled "An Act to prevent and make void clandestine and illegal purchases of lands from the Indians," whereby great mischief may ensue, —

1701-02, chap. 11.

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Benjamin Pratt, Esq., &c., empowered to prosecute, &c.

[Sect. 1.] That Benjamin Pratt, John Worthington and Joseph Hawley, Esqrs., or either of them, be and they hereby are impowered, in the name of this government, to prosecute all or any person or persons, who have already made, or may make, any purchase of said Indians in the western part of this government contrary to the aforesaid law, for the penalties incurred by any breach of the said law; as also, in the name of this government, to demand and to take the possession of any lands which any person or persons now are, or may hereafter be, possessed of by virtue of such clandestine or illegal sale from said Indians; and also to demand, sue for, and take the possession of, any of the aforesaid lands that any person or persons may be in possession of otherwise than by virtue of an authority derived from this government; and that the said Benjamin Pratt, John Worthington and Joseph Hawley be further impowered and directed, by themselves, or some one of them, to enter, in the name and behalf of this province, into any or all of the unappropriated lands of the province, west of Connecticut River; and that the said Benjamin Pratt, John Worthington and Joseph Hawley be impowered to execute, to any person or persons they shall judge proper, any lease or leases of any of said lands, under such covenants as they shall think best for the interest of the province, determinable on notice from the said Benjamin Pratt, John Worthington and Joseph Hawley, or on the order of the general court.

And be it further enacted,

to receive proposals and settle claims.

[Sect. 2.] That the said Benjamin Pratt, John Worthington and Joseph Hawley be further impowered to attempt, in such methods as they shall judge best for the province, a settlement of the claims of any Indians to any of the said lands, and to make and receive proposals for that purpose, to be laid before the general court for their determination thereon: all necessary charges that may be incurred by the committee, in the execution of the trust reposed in them by this act, to be paid out of the publick treasury.

[Sect. 3.] This act to continue and be in force for the space of five years, and no longer. [*Passed June* 20; *published June* 23.

CHAPTER 5.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Sundry laws revived and continued.

WHEREAS the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; namely, two acts made in the eighteenth year of his present majesty's reign,

1744-45, ch. 25. one, intituled "An Act to prevent mischief being done by unruly

1744-45, ch. 26. dogs," the other, intituled "An Act to prevent neat cattle and horses running at large and feeding on the beaches adjoining to eastern har-

1745-46, chap. 7. bour meadows, in the town of Truro"; and one other act made in the eighteenth and nineteenth year of said reign, intituled "An Act to prevent unnecessary cost being allowed to parties and witnesses in the

1748-49, chap. 13. several courts of justice within this province"; and one act made in the twenty-second year of said reign, intituled "An Act to prevent damage being done on the beach, and meadows in Plymouth adjoining to said beach, commonly known by the name of Plymouth Beach";

1749-50, ch. 22. three acts made in the twenty-third year of said reign, one intituled

1749-50, ch. 23. "An Act against diminishing or counterfeiting money," one other intituled "An Act in addition to and for rendering more effectual

1749-50, ch. 24. 'An Act for the restraining the taking excessive usury,'" the other intituled "An Act to prevent stage-plays and other theatrical enter-

1751-52, ch. 17. tainments"; an act made in the twenty-fourth year of said reign, intituled "An Act for the better regulation of the course of judicial

1749-50, chap. 3. proceedings"; "An Act to prevent the disturbance given the general court by the passing of coaches, chaises, carts, trucks and other car-

1756-57, chap. 5. riages by the province court-house"; also an act made and passed in the twenty-ninth year of his present majesty's reign, intituled "An Act for inlisting the inhabitants of Dorchester, Weymouth, and Charlestown into his majesty's service for the defence of Castle William, as occasion shall require," —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Their continuance for ten years from the 1st of July, 1760.

That such of the before-mentioned acts as are expired, with all and every article, clause, matter and thing therein respectively contained, be and they hereby are revived; and such of said acts as are near expiring are continued; and all the said acts shall be in force from the first day of July next for the space of ten years, and to the end of the then next session of the general court, and no longer. [*Passed June* 20; *published June* 23.

CHAPTER 6.

AN ACT [TO] [*FOR*] SUPPLY[*ING*] THE TREASURY WITH THE SUM OF SEVENTY THOUSAND TWO HUNDRED AND FOURTEEN POUNDS.

Preamble.

WHEREAS the great and general court or assembly of this province did, in their sessions in May, one thousand seven hundred and fifty-

1758-59, chap. 4, § 7. eight, levy a tax of one hundred thousand pounds; and also in their

1758-59, chap. 28, § 3. session in March, one thousand seven hundred and fifty-nine, did levy another tax of eighteen thousand pounds; and also in their session in

1758-59, chap. 32, § 5. April following, did levy another tax of fourteen thousand five hundred and sixty pounds; and did also, at their session in October following,

levy a tax of sixty-four thousand pounds, but by a subsequent act of the province made and passed in January, one thousand seven hundred and sixty, upon this province receiving twenty-seven thousand five hundred and seventy-four pounds ten shillings, part of a parliamentary grant, they ordered and directed that, instead of a tax of sixty-four thousand pounds, there should be issued a tax but of thirty-five thousand pounds, — all which sums amount to one hundred and sixty-seven thousand five hundred and sixty pounds: and, by the acts aforesaid, provision was made that the general court at this present session might apportion the same on the several towns, districts, parishes and places within this province, if they thought fit; *and whereas* it was expected by the general court that this province's proportion of the grant made by parliament, on account of the expences incurred by the several colonies in his majesty's service in the year one thousand seven hundred and fifty-eight, would have arrived seasonably enough to have prevented so large a tax going forth; but the proportion of the grant aforesaid not being arrived, and it being represented to this court that divers persons appear willing to lend a considerable sum of money, to pay off such government securities for the payment of which the tax aforesaid was to issue; and the said court at their present session, in consequence of such representation, having apportioned a tax of ninety-seven thousand three hundred and forty-five pounds thirteen shillings, on the polls and estates within this province, there will be wanted the sum of seventy thousand two hundred and fourteen pounds seven shillings, to answer the purposes for which the tax aforesaid was to be lev[i][*y*]ed, —

1759–60, chap. 8, § 4.

1759–60, chap. 16.

Be it enacted by the Lieutenant-Governo[u]*r, Council and House of Representatives*,

[Sect. 1.] That the treasurer of this province be and hereby is directed and impowered to borrow, from such persons as shall be willing to lend as aforesaid, a sum not exceeding seventy thousand two hundred and fourteen pounds seven shillings, in Spanish mill'd dollars, at six shillings each, or in coined silver, sterling alloy, at six shillings and eightpence per ounce; and the sum so borrowed shall be applied by the treasurer for the discharge of those government securities which will become due in the year one thousand seven hundred and sixty-one: and for the sum so borrowed the treasurer shall give a receipt and obligation in the form following: —

Treasurer empowered to borrow £70,214.

Province of the Massachusetts Bay, the day of , 1760. Received of the sum of , for the use and service of the province of the Massachusetts Bay; and in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or order, the twentieth day of June, one thousand seven hundred and sixty-two, the aforesaid sum of , in coined silver at six shillings and eightpence per ounce, or Spanish mill'd dollars at six shillings each, with interest annually, at the rate of six per cent.

Witness my hand,

Form of treasurer's receipt.

And as a fund and security to enable the treasurer to discharge the obligations by him given in pursuance of this act, —

Be it enacted,

[Sect. 2.] That there be and hereby is granted to his most excellent majesty a tax of seventy-five thousand pounds, to be levied on polls, and estates both real and personal, according to such rules and in such proportion on the several towns, districts, parishes and other places within the province, as shall be ordered by the general court at their session in May, one thousand seven hundred and sixty-one.

Tax of £75,000 granted in 1761.

And be it further enacted,

[Sect. 3.] That in case the general court shall not, at their session

Rule for appor-

tioning the tax in case no tax act shall be agreed on.

in May, one thousand seven hundred and sixty-one, and before the twentieth day of June following, agree and conclude upon an act apportioning the sum which by this act is engaged to be apportioned, assessed and levied, that then and in such case, such towns, districts, parishes or other places shall pay, by a tax to be levied on the polls, and estate both real and personal, within their respective limits, the same proportion of the said sum as the said towns, districts, parishes or other places were taxed by the general court in the tax act then last preceeding.

Treasurer empowered and directed.

[SECT. 4.] And the province treasurer is hereby fully impowered and directed, in the month of June, one thousand seven hundred and sixty-one, to issue and send forth his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, requiring them to assess the polls, and estates both real and personal, within their respective towns, districts, parishes or other places, for their respective parts and proportion of the sum before directed and engaged to be assessed, to be paid into the publick treasury by the twentieth day of March, one thousand seven hundred and sixty-two; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act; and the assessors shall incur[r] the same penalty for not apportioning the sums laid upon their respective towns, districts, parishes or other places, as though the same had been assessed upon them by an act of the general court.

And be it further enacted,

Treasurer further directed, in case.

[SECT. 5.] That if the treasurer shall not be able to borrow the whole of the sum aforesaid on or before the twentieth day of October next, then and in that case he shall issue forth his warrants, directed to the selectmen or assessors in each of the towns and districts within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective part[s] and proportion of whatever sum he shall not be able to borrow of the seventy thousand two hundred and fourteen pounds seven shillings aforesaid, to be paid into the publick treasury by the twenty-ninth day of March, one thousand seven hundred and sixty-one; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act. [*Passed June* 21; *published June* 23.

CHAPTER 7.

AN ACT FOR ERECTING AND ESTABLISHING TWO NEW COUNTIES IN THE EASTERLY PART OF THE COUNTY OF YORK.

Preamble.

WHEREAS the great extent of the county of York makes it convenient that two new counties should be erected and established in the easterly part thereof, —

Be it enacted by the Lieutenant-Governour, Council and House of Representatives,

County of York, how bounded.

[SECT. 1.] That the county of York aforesaid shall be and it hereby is declared to be bounded on the east, by a line to run from the sea, north-westerly, upon the easterly line of the township of Biddeford, as far as Narragansett[t], Number One; from thence, north-easterly, on said Narragansett, to the eastermost corner thereof; from thence, north-westerly, on said Narragansett, to the northermost corner thereof;

from thence, south-westerly, on said Narraganset[t], to Saco River; from thence, up said Saco River as far as Pearsontown extends thereon; and from thence, to run north, two degrees west, on a true course, as far as the utmost northern limits of this province: all the other boundary-lines of said county to remain the same as heretofore.

And be it further enacted,

New county of Cumberland, how bounded.

[Sect. 2.] That the westermost of the two new counties aforesaid shall be and it is hereby declared to be bounded on the west, by the easterly line of the county of York above described; on the north, by the utmost northern limits of this province; on the south-east, by the sea, or western ocean, and by Casco Bay,—from the easterly point of which bay; viz[t], from Small Point, the line shall run north-westerly upon said Casco Bay to New-Meadows creek or river, and up said creek or river as far as Stevens' carrying-place, at the head of said creek or river; thence, across said carrying-place, to Merry-Meeting Bay and Androscoggin River; from thence, it shall run up said Androscoggin River, thirty miles; and from thence, north, two degrees west, on a true course, to the utmost northern limits of this province, including all the islands in Casco Bay aforesaid and on the seacoast of the said new county: and all the towns, districts and lands within said bounds, together with the islands aforesaid, shall, from and after the first day of November, one thousand seven hundred and sixty, be and remain one entire and distinct county by the name of Cumberland, of which Falmouth shall be the shire or county town; and the inhabitants of said county of [*Cumberland*] shall have, use, exercise and enjoy all such powers, priviledges and immunities as by law the inhabitants of any other county within this province have, use, exercise and enjoy.

And be it further enacted,

Inferior courts to be held at Falmouth.

[Sect. 3.] That there shall be held and kept within the said county of [*Cumberland*], a court of general sessions of the peace, and an inferio[u]r court of common pleas, to sit at Falmouth aforesaid on the first Tuesdays of May and September, yearly, and in every year, until this court shall otherwise order; also that there shall be held and kept at Falmouth aforesaid, until this court shall otherwise order, a superio[u]r court of judicature, court of assize and general goal delivery, to sit on the fourth Tuesday of June, yearly, and every year; and the justices of the said court of general sessions of the peace, inferio[u]r court of common pleas, superio[u]r court of judicature, court of assize, and general goal delivery, respectively, who are or shall be thereunto lawfully commissioned and appointed, shall have, hold, use, exercise and enjoy, all and singular, the powers which are by law already given and granted unto them within any other county of this province, where a court of general sessions of the peace, inferio[u]r court of common pleas, superio[u]r court of judicature, court of assize and general goal delivery are already established.

Superior court to be held at Falmouth.

And be it further enacted,

Justices of the court of sessions at their first meeting to appoint a register of deeds.

[Sect. 4.] That the justices of the court of general sessions of the peace, at their first meeting in the said county of [*Cumberland*], shall have full power and authority to appoint some fit person within the said county of [*Cumberland*], to be register of deeds and conveyances within the same, who shall be sworn to the faithful discharge of his trust in the said office, and shall continue to hold and exercise the same, according to the directions of the law, until some person be elected by the freeholders of the said county of [*Cumberland*], who are hereby impowered to ch[u][*oo*]se such person, at their first March meeting within their respective towns and districts, in the method already by law prescribed; which person, taking upon him that trust, shall be sworn to the faithful discharge thereof; and until such register

shall be so appointed by the said justices, and sworn, all deeds and conveyances of land lying within any part of the said county of [*Cumberland*], being recorded in the register's office of the county of York aforesaid, shall be held good and valid to all intents and purposes, so far as relates to the record of them.

And be it further enacted,

Register and other officers to be afterwards chosen as in other counties.

[SECT. 5.] That the method and proceedings directed to by law, for the ch[u][*oo*]sing a register of deeds and conveyances, and a county treasurer (which last-mentioned officer shall be chosen and appointed, in manner as the law directs, at the next March meeting of the freeholders aforesaid), also for the bringing forward and trying any actions, causes, pleas or suits, both civil and criminal, in the several counties of this province, and courts of judicature within the same, and for ch[u][*oo*]sing of jurors to serve at the several courts of justice, shall be observed and put in practice within the said county of [*Cumberland*], and by the courts of justice within the same; any law, usage or custom to the contrary notwithstanding.

And be it further enacted,

New county of Lincoln.

[SECT. 6.] That the most eastern county shall be bounded in the following manner; that is to say, on the west, by the county of [*Cumberland*] aforesaid; on the east, by the province of Nova Scotia; on the south and south-east, by the sea, or western ocean; and on the north, by the utmost northern limits of this province, including all the islands to the eastward of the county of [*Cumberland*] aforesaid; and all the towns, districts and lands within said bounds, together with the islands aforesaid, shall, from and after the first day of November, one thousand seven hundred and sixty, be and remain one [i][*e*]ntire and distinct county by the name of Lincoln, of which Pownalborough shall be the shire, or county, town; and the inhabitants of the said county of [*Lincoln*] shall have, use, exercise and enjoy all such powers, priviledges and immunities as by law the inhabitants of any other county within this province have, use, exercise and enjoy.

And be it further enacted,

Inferior court to be held at Pownalborough

[SECT. 7.] That there shall be held and kept within the said county of [*Lincoln*], a court of general sessions of the peace, and an inferio[*u*]r court of common pleas, to sit at Pownalborough aforesaid on the second Tuesdays of May and September, yearly, and in every year, until this court shall otherwise order. And the justices of the said court of the general sessions of the peace, and of the said inferio[*u*]r court of common pleas, who are or shall be thereunto lawfully commissioned and appointed, shall have, hold, use, exercise and enjoy, all and singular, the powers which are by law already given and granted to such justices within any other county of this province, where a court of general sessions of the peace, and inferiour court of common pleas, are already established. And all appeals from any judgment or judgments given at any courts of general sessions, and at any inferiour court of common pleas, within the said county of [*Lincoln*], shall be heard and tried at the superio[*u*]r court of judicature, to be held yearly at Falmouth as aforesaid.

Superior court at Falmouth.

And be it further enacted,

Governor, with advice of council, to appoint a register of deeds during the term of five years.

[SECT. 8.] That the Governour, with the advice and consent of his majesty's council, shall be authorized to appoint, for and during the term of five years from February next, some fit person within the county of [*Lincoln*], to be register of deeds and conveyances within the same, who shall be sworn to the faithful discharge of his trust in said office, and shall continue therein to the end of the term aforesaid, and until some fit person be chosen and appointed, in his stead, by the freeholders and other inhabitants, of the several towns and districts

within the said county, qualified according to law to act in town and county affairs; and the said register shall be sworn to the faithful discharge of his office in the manner required by law, and shall act in his said office according to the directions of the law; and, until a register shall be appointed and sworn, all deeds and conveyances of land lying in any part of the said county of [*Lincoln*], being recorded in the register's office in the county of York aforesaid, shall be held good and valid, to all intents and purposes, so far as relates to the recording of the same.

And be it further enacted,

County treasurer, &c., as in other counties.

[Sect. 9.] That the method and proceedings directed to by law for choosing a county treasurer, also for the bringing forward and trying any actions, causes, pleas or suits, both civil and criminal, in the several counties of this province, and courts of judicature within the same, and for choosing of jurors to serve at the several courts of justice, shall be observed and put in practice within the said county of [*Lincoln*], and by the courts of justice within the same; any law, usage or custom to the contrary notwithstanding.

And be it further enacted,

Matters cognizable in the county of York.

[Sect. 10.] That all writs, suits, plaints, processes, appeals, reviews and recognizances, and any other matters or things which now are, or at any time before the aforesaid first day of November, one thousand seven hundred and sixty, shall be, depending in any court within the county of York, and all matters and things which now are, or at any time before the said first day of November aforesaid, shall be, depending before the judge of probate for the said county of York, shall be heard, tried, proceeded upon and determined at such time and place, and in such manner, as they would have been if this act had not been made.

And be it further enacted,

Deeds registered in the county of York, before a register is appointed, held good.

[Sect. 11.] That nothing in this act contained shall be construed to disannul, defeat, or make void, any deeds or conveyances of land lying in either of the new counties aforesaid, which are, or shall be, before the establishment of a register in each county, respectively, recorded in the register's office of the county of York aforesaid; but all such deeds and conveyances so recorded shall be held as good and valid as they would have been in case this act had not been made.

And be it further enacted,

County taxes held good.

[Sect. 12.] That the inhabitants of the several towns and districts within the counties aforesaid shall pay their proportion of all county rates or taxes already granted and made, in the same manner as they would have done if this act had not been made. [*Passed June* 21;* *published June* 23.

CHAPTER 8.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF ONE HUNDRED AND EIGHT THOUSAND POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLICK DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Preamble.

Whereas it is necessary that provision be made by the general court for discharging the debts of the ensuing year, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Treasurer empowered to borrow £108,000 for the public service.

[Sect. 1.] That the treasurer of the province be and he hereby is

* Signed June 20, according to the record.

powered to borrow £108,000.

impowered and directed to borrow, from such person or persons as shall be willing to lend the same, a sum not exceeding one hundred and eight thousand pounds, in mill'd dollars at six shillings each, or in other coin'd silver at six shillings and eightpence per ounce; and the sum so borrowed shall be applied in manner as in this act is hereafter directed: and for the sum of twenty thousand pounds, being part of the aforesaid sum of one hundred and eight thousand pounds, the treasurer shall give his receipt or obligation in the form following: —

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of . Received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer, to repay the said or order, the twentieth day of June, one thousand seven hundred and sixty-four, the aforesaid sum of , in coined silver at six shillings and eightpence per ounce, or Spanish mill'd dollars at six shillings each, with interest annually, at the rate of six per cent per annum.

Witness my hand, H. G., Treasurer.

— and no receipt shall be given for less than six pounds.

£88,000 payable June 20, 1765.

[SECT. 2.] And for the further sum of eighty-eight thousand pounds, being the remainder of the aforesaid sum of one hundred and eight thousand pounds, the treasurer shall give his notes, in the form aforesaid, payable the twentieth day of June, one thousand seven hundred and sixty-five; and no receipt shall be given for less than six pounds.

And be it further enacted,

[SECT. 3.] That the aforesaid sum of one hundred and eight thousand pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, the sum of

£80,000 for Canada expedition.

eighty thousand pounds, part of the aforesaid sum of one hundred and eight thousand pounds, shall be applied for the payment of the expences in the present expedition against Canada; and the further sum

£7,000 for forts and garrisons.

of seven thousand pounds, part of the aforesaid sum of one hundred and eight thousand pounds, shall be applied for the service of the several forts and garrisons within this province, pursuant to such grants and orders as are or shall be made by this court for these purposes; and the further sum of six thousand pounds, part of the aforesaid sum

£6,000 for provisions, commissary's disbursements, &c.

of one hundred and eight thousand pounds, shall be applied for purchasing provisions, and the commissary's disbursements, for the service of the several forts and garrisons within this province; and the further

£5,000 for premiums, &c.

sum of five thousand pounds, part of the aforesaid sum of one hundred and eight thousand pounds, shall be applied for the payment of such premiums and grants that now are or may hereafter be made by this court; and the further sum of three thousand one hundred and fifty

£3,150 for discharging debts where there is no establishment, &c.

pounds, part of the aforesaid sum of one hundred and eight thousand pounds, shall be applied for the discharge of other debts owing from this province to persons that have served or shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose, and for paper,

£3,000 for pay of councellors' and representatives' attendance.

writing and printing for this court; and the further sum of three thousand pounds, part of the aforesaid sum of one hundred and eight thousand pounds, shall be applied for the payment of his majesty's council and house of representatives serving in the great and general court

£3,500 for armed vessels.

during the several sessions for the present year; and the further sum of three thousand and five hundred pounds, part of the aforesaid sum of one hundred and eight thousand pounds, shall be applied for the payment of the charge of maintaining armed vessels of war belonging to

£200 for the pay

this province; and the further sum of two hundred pounds, part of the

aforesaid sum of one hundred and eight thousand pounds, shall be applied for the payment of the troops that marched for the relief of Fort William Henry, when attacked by the enemy in August, one thousand seven hundred and fifty-seven; and the further sum of one hundred and fifty pounds, the remaining part of the aforesaid sum of one hundred and eight thousand pounds, shall be applied for the payment of the bayonets provided for the militia of this province by virtue of the act intituled "An Act in addition to the several acts of this province for regulating the militia."

of such who went to the relief of Fort William Henry.

£150 for bayonets.

1757-58, chap. 18.

And in order to draw the money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act, —

Be it enacted,

[Sect. 4.] That there be and hereby is granted to his most excellent majesty a tax of one hundred and twenty thousand pounds, to be levied on polls, and estates both real and personal within this province, in manner following; that is to say, the sum of twenty-four thousand pounds, part thereof, according to such rules, and in such proportions on the several towns and districts within the province, as shall be agreed on and ordered by the general court or assembly in their session in May, in the year of our Lord one thousand seven hundred and sixty-three, and to be paid into the publick treasury on or before the thirty-first day of March then next after; and the further sum of ninety-six thousand pounds, according to such rules, and in such proportion on the several towns and districts aforesaid, as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and sixty-four, and to be paid into the treasury on or before the thirty-first day of March next after.

Tax of £120,000 granted.

And be it further enacted,

[Sect. 5.] That if the general court, in their session in May, in the year seventeen hundred and sixty-three, and in their session in May, seventeen hundred and sixty-four, and some time before the twentieth day of June in each of said years, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, apportioned, assessed and levied, that then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns and districts were taxed by the general court in the tax act then last preceeding.

Rule for apportioning the tax, in case no tax act shall be agreed on.

[Sect. 6.] And the province treasurer is hereby fully impowered and directed, some time in the month of July in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to all such rules and directions as shall have been given in the last preceding tax act.

And be it further enacted,

[Sect. 7.] That the treasurer is hereby directed and ordered to pay the sum of one hundred and eight thousand pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts, after payment thereof.

Treasurer empowered and directed.

Provided, always,—

Proviso.

[SECT. 8.] That the remainder of the sum which shall be brought into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed June* 20; *published June* 23.

CHAPTER 9.

AN ACT FOR THE BETTER REBUILDING THAT PART OF THE TOWN OF BOSTON WHICH WAS LAID WASTE BY THE LATE FIRE, AND FOR PREVENTING FIRE IN THAT TOWN FOR THE FUTURE.

Preamble. 1760–61, chap. 32. 130 Mass. 321.

WHEREAS great desolation hath been lately made by fire, in the town of Boston, which hath been principally occasioned by the narrowness of the streets, and the houses being built with wood and covered with shingles; *and whereas* a committee was appointed by the general court, in the last session, for regulating the streets in that part of the town which was so laid waste, and the committee hath accordingly proceeded to lay out the streets there, a plan whereof hath been laid before this court, and is now deposited in the secretary's office, —

Be it therefore enacted by the Lieutenant-Governour, Council and House of Representatives,

Streets confirmed.

[SECT. 1.] That the said proceedings of the committee be and are hereby confirmed; and all actions that shall be brought for recovering possession of any land lying within any of the streets laid out as aforesaid, or for damages sustained or occasioned thereby, shall be utterly and forever barred.

And be it further enacted,

No buildings to encroach thereon.

[SECT. 2.] That no building whatsoever be so erected as to encroach upon any street by them laid out as aforesaid; and that every building so erected be deemed a nusance, and be accordingly demolished, by the order of any two justices of the peace for the county of Suffolk, the charges of such demolition to be paid out of the monies which shall be raised by the sale of the materials of such building, which, by the order of said justices, shall be sold for that purpose, unless the said charges shall be immediately paid by the owner.

And be it further enacted,

Penalty for removing boundary marks.

[SECT. 3.] That if any person or persons whatsoever shall wittingly or willingly, without good authority, pluck up or remove any of the stakes or bound-marks which have been or shall be fixed or set up, by order of said committee, to distinguish and ascertain the streets aforesaid, and shall be thereof convicted before any two justices of the peace for the county of Suffolk, he or they shall for every such offence be imprisoned, by order of such justices, for the space of two months, unless he or they shall forthwith pay or cause to be paid to the treasurer of the town of Boston the sum of three pounds for the use of said town.

And whereas some persons may suffer damage by the laying-out of the streets according to the plan aforesaid, and others may receive benefit and advantage thereby, —

Be it further enacted,

Damages to be assessed by a jury.

[SECT. 4.] That Samuel Danforth, Samuel Watts and Joseph Williams, Esqrs., or any two of them, shall, on or before the tenth day

of July next, summon a jury of twelve meet persons (none of which to be inhabitants of the town of Boston) to view the streets aforesaid, and the several tenements or lots of land abutting thereon, and to estimate the damages which any person or persons may sustain by means of any street's being laid out as aforesaid, and likewise the benefit or advantage that may accrue to any person or persons thereby; and whatever damages any shall sustain according to such estimation shall be made good to the party endamaged, either by such particular person or persons as shall be thereby benefited, or by the town of Boston, or by both, in such proportion as the said jury shall find reasonable; and every estate so bettered or advantaged, as well as the owner thereof, shall be subjected to make good the sum assessed on account of such advantage; the charge of the jury, as well as the charge of laying out the streets, to be born and paid, in the like proportion, by the town or person so benefited. 12 Allen, 238, 239.

And be it further enacted,

Certificate thereof to be returned to the assessors.

[Sect. 5.] That when the jury aforesaid shall have ascertained to the said justices the damages sustained by any person or persons by means of the laying-out any street or streets as aforesaid, together with the several sums to be paid by the town, or any particular persons, to make good such damages and defrey the charges of laying out the streets, of summoning the jury, and of the justices and jurors attending on the business assigned them respectively, the said justices shall, within six days after the jury's report, give a certificate thereof, under their hands, to the assessors of the town of Boston; and those assessors shall, within two months after the receipt of such certificate, make an assessment on the inhabitants of the town for such sum as by the jury's report ought to be paid by the town, — and, likewise, on particular persons, for such sum as by the jury's report ought to be paid by them respectively, — and issue their warrants to the collectors, requiring them to collect and pay the same, within two months, into the town treasury. And the treasurer of said town shall, within three months after the issuing of such warrants, pay to the person endamaged, as aforesaid, the respective sums assigned them by the jury's report, in satisfaction for the damages by them sustained.

And be it further enacted,

Pumps or wells falling within the streets, how to be maintained.

[Sect. 6.] That where any pump, or well of water, by the laying-out of any street as aforesaid, is taken into the street, the same shall be kept in good order at the expence of the persons dwelling near the same, or of the town, or both, as shall be agreed between such persons and the selectmen of the town; and in case they cannot agree before the sitting of the court of general sessions of the peace to be held within and for the county of Suffolk on the first Tuesday of October next, then the justices of the said court may and shall determine by whom, and in what proportion, the charge of maintaining any such pump or well, and keeping the same in good order, shall be borne, unless the town shall find it inconvenient for such pump or well to remain in the street, in which case the same shall be stop'd and filled up at the charge of the town.

And be it further enacted,

Buildings, of what materials to be erected.

[Sect. 7.] That no house or other building whatsoever, of more than seven feet in height, shall be erected in Boston, otherwise than of stone or brick and covered with slate or tiles; and that no house or other building already erected, of any greater dimensions than as aforesaid, shall be hereafter covered anew on the top, any otherwise than with slate or tiles, on penalty of fifty pounds, to be paid by the owner of the same for the use of the poor of the said town, to be recovered by an action brought for the same by the town treasurer.

And be it further enacted,

Penalty on non-observance.

[SECT. 8.] That every dwelling-house which shall be built otherwise than by this act is provided, shall be subjected to a yearly tax of twenty pounds; and every warehouse, shop, stable or barn, to a yearly tax of ten pounds; to be paid into the town treasury by the occupier thereof for the use of the town: and the assessors shall accordingly add such sum or sums to the town tax of every such occupant yearly, over and above the sum with which he would otherwise have been taxed, and shall particularly specify the same in the tax-bill.

Provided, *always*, —

Proviso.

[SECT. 9.] That it shall and may be lawful for any person to build of wood, any warehouse, shop or workhouse, upon any wharff where, in the opinion of the selectmen, no solid foundation can be had without great expence, on condition that the sides of such warehouse, shop or workhouse be covered with plaister or slate, and the roof covered with slate or tiles, any thing in this act to the contrary notwithstanding.

Preamble.

And whereas sundry persons have heretofore inconsiderately erected dwelling-houses or other buildings in a manner contrary to the provision of an act made and passed in the fourth year of the reign of their late majesties King William and Queen Mary, intituled "An Act for building with stone or brick in the town of Boston, and preventing fire," —

1692-93, chap. 13.

Be it enacted,

Former breaches of law, in what case excused.

[SECT. 10.] That every such person be indemnified and saved harmless from any prosecution for violating the act aforesaid: *provided* that the house or other building so erected by him shall be covered with slate, or with tiles, within ten years from the first day of June, one thousand seven hundred and sixty. [*Passed June* 20.

CHAPTER 10.

AN ACT IMPOWERING WILLIAM BOLLAN, ESQ., AND IN CASE HE IS PREVENTED BY SICKNESS OR DEATH, BARLOW TRECOTHICK, ESQ., TO RECEIVE THE SUM WHICH IS OR SHALL BE ASSIGNED TO THE PROVINCE OF THE MASSACHUSETTS BAY, OUT OF THE SUM OF TWO HUNDRED THOUSAND POUNDS STERLING, GRANTED BY THE PARLIAMENT OF GREAT BRITAIN FOR THE EXPENCE INCURRED BY THE RESPECTIVE PROVINCES IN NORTH AMERICA, IN THE LEVYING, CLOATHING AND PAY OF THE TROOPS RAISED BY THE SAME, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND FIFTY-NINE.

Preamble.

WHEREAS the parliament of Great Britain, in their last session, granted the sum of two hundred thousand pounds sterling, to enable his majesty to give a proper compensation to the respective provinces in North America, for the expences incurred by them in the levying, cloathing and pay of the troops raised by the same, according to the active vigour and strenuous efforts of the respective provinces in the year of our Lord one thousand seven hundred and fifty-nine, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

William Bollan, Esq., empowered to receive parliamentary grant for 1759; and Barlow Trecothick,

[SECT. 1.] That William Bollan, Esq., agent for this province in Great Britain, and in case he is prevented by sickness or death, Barlow Trecothick, Esq., be and is hereby authorized and impowered to receive the whole and every part of the sum assigned, or that shall be assigned, by his majesty to the province of the Massachusetts Bay, out

of the grant aforesaid, and upon receipt thereof to give a full discharge therefor to the right honourable, the lords commissioners of the treasury, or to any person or persons whatsoever who shall have the same or any part thereof in his or their hands or possession; and that the said William Bollan, or Barlow Trecothick, pursue such instructions as they shall respectively receive from the general court with regard to the transportation of the same to this province. Esq., in case, &c.

And be it further enacted,

[Sect. 2.] That the treasurer of the province for the time being be and is hereby fully authorized and impowered to demand and receive the whole and every part of said sum of money, from the commander of any vessel on board of which the same shall have been ship'd, on the arrival thereof within this government. [*Passed June* 20; *published June* 23. Treasurer to receive it on its arrival.

CHAPTER 11.

AN ACT FOR APPORTIONING AND ASSESSING THE SUM OF NINETY-FOUR THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN POUNDS ELEVEN SHILLINGS; ALSO FOR APPORTIONING AND ASSESSING A TAX OF SIXTY-NINE POUNDS, FOR FINES LAID UPON TOWNS THAT HAVE NOT SENT ANY PERSONS TO REPRESENT THEM IN THE GENERAL COURT THE PRESENT YEAR; ALSO FOR APPORTIONING AND ASSESSING A TAX OF TWO THOUSAND THREE HUNDRED AND SEVENTY-NINE POUNDS FOUR SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND FIFTY-NINE; ALSO FOR ASSESSING A TAX OF NINETEEN POUNDS EIGHTEEN SHILLINGS UPON THE TOWN OF FALMOUTH AND DISTRICT OF HARPSWELL, IN THE COUNTY OF YORK, TO BE LEVIED UPON THE PEOPLE CALLED QUAKERS, IN LIEU OF FURNISHING THEIR RESPECTIVE QUOTAS OF MEN FOR THE MILITARY SERVICE IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND FIFTY-EIGHT.

Whereas the great and general court or assembly of this province did, in their sessions in May, one thousand seven hundred and fifty-eight, levy a tax of one hundred thousand pounds; and also, in their session in March, one thousand seven hundred and fifty-nine, did levy another tax of eighteen thousand pounds; and also, in their session in April following, did levy another tax of fourteen thousand five hundred and sixty pounds; and did also, in their session in October following, levy a tax of sixty-four thousand pounds, but by a subsequent act of the province, made and passed in January, one thousand seven hundred and sixty, — upon this province receiving twenty-seven thousand five hundred and seventy-four pounds ten shillings, part of the parliamentary grant, — they ordered and directed that, instead of a tax of sixty-four thousand pounds, there be issued but thirty-five thousand pounds: all which sums amount to one hundred and sixty-seven thousand five hundred and sixty pounds; and by said acts provision was made that the general court, at this present session, might apportion the same on the several towns, districts, parishes and places within this province, if they thought fit; *and whereas* a number of persons, possessors of government securities that will become due in June, one thousand seven hundred and sixty-one, to prevent so heavy a tax going forth, which otherwise must have been issued, and, at the same time, to support the faith of the government, have engaged to lend the government the sum of seventy thousand two hundred and fourteen

1758-59, ch. 4, § 7.
1758-59, chap. 28, § 3.
1758-59, chap. 32, § 5.
1759-60, ch. 8, § 4.
1759-60, chap. 16.

pounds seven shillings, to be paid at a distant period, agreable to a supply bill passed the court this session: wherefore, for the ordering, directing and effectual drawing-in the said sum of ninety-seven thousand three hundred and forty-five pounds thirteen shillings, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted, —

And be it accordingly enacted by the Lieutenant-Governor, Council and House of Representatives,

[SECT. 1.] That each town, district, parish or other place within this province, be assessed and pay, as such town, district, parish and place's proportion of the sum of ninety-seven thousand three hundred and forty-five pounds thirteen shillings, the several sums following; that is to say, —

IN THE COUNTY OF SUFFOLK.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE PROVINCE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Boston	£0 0s. 0d.	£73 12s. 0d.	£0 0s. 0d.	£15,554 14s. 5d.	Fifteen thousand six hundred and twenty-eight pounds six shillings and fivepence	£15,628 6s. 5d.
Roxbury	0 0 0	18 16 0	0 0 0	876 3 10	Eight hundred and ninety-four pounds nineteen shillings and tenpence	894 19 10
Dorchester	0 0 0	19 12 0	0 0 0	867 14 1	Eight hundred and eighty-seven pounds six shillings and one penny	887 6 1
Milton	0 0 0	23 12 0	0 0 0	461 1 7	Four hundred and eighty-four pounds thirteen shillings and sevenpence	484 13 7
Braintree	0 0 0	20 2 0	0 0 0	999 16 9	One thousand and nineteen pounds eighteen shillings and ninepence	1,019 18 9
Weymouth	0 0 0	23 16 0	0 0 0	589 13 7	Six hundred and thirteen pounds nine shillings and sevenpence	613 9 7
Hingham	0 0 0	24 16 0	0 0 0	1,037 19 2	One thousand and sixty-two pounds fifteen shillings and twopence	1,062 15 2
Dedham	0 0 0	24 4 0	0 0 0	689 11 11	Seven hundred and thirteen pounds fifteen shillings and elevenpence	713 15 11
Medfield	0 0 0	22 8 0	0 0 0	426 10 10	Four hundred and forty-eight pounds eighteen shillings and tenpence	448 18 10
Wrentham	0 0 0	22 4 0	0 0 0	703 13 4	Seven hundred and twenty-five pounds seventeen shillings and fourpence	725 17 4
Brookline	0 0 0	0 0 0	0 0 0	265 8 2	Two hundred and sixty-five pounds eight shillings and twopence	265 8 2
Needham	0 0 0	24 4 0	0 0 0	349 18 6	Three hundred and seventy-four pounds two shillings and sixpence	374 2 6
Stoughton	0 0 0	23 12 0	0 0 0	621 18 9	Six hundred and forty-five pounds ten shillings and ninepence	645 10 9
Medway	0 0 0	0 0 0	0 0 0	349 18 6	Three hundred and forty-nine pounds eighteen shillings and sixpence	349 18 6
Bellingham	0 0 0	0 0 0	0 0 0	135 17 3	One hundred and thirty-five pounds seventeen shillings and threepence	135 17 3

IN THE COUNTY OF SUFFOLK—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE PROVINCE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Hull	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£162 9*s.* 7*d.*	One hundred and sixty-two pounds nine shillings and sevenpence	£162 9*s.* 7*d.*
Walpole	0 0 0	0 0 0	0 0 0	260 3 11	Two hundred and sixty pounds three shillings and elevenpence	260 3 11
Chelsea	0 0 0	19 12 0	0 0 0	362 3 5	Three hundred and eighty-one pounds fifteen shillings and fivepence	381 15 5
	£0 0*s.* 0*d.*	£340 10*s.* 0*d.*	£0 0*s.* 0*d.*	£24,714 17*s.* 7*d.*	Twenty-five thousand and fifty-five pounds seven shillings and sevenpence	£25,055 7*s.* 7*d.*

IN THE COUNTY OF ESSEX.

Salem	£0 0*s.* 0*d.*	£23 4*s.* 0*d.*	£0 0*s.* 0*d.*	£1,492 18*s.* 8*d.*	Fifteen hundred and sixteen pounds two shillings and eightpence	£1,516 2*s.* 8*d.*
Danvers	0 0 0	1 12 0	0 0 0	830 3 11	Eight hundred and thirty-one pounds fifteen shillings and elevenpence	831 15 11
Ipswich	0 0 0	18 8 0	0 0 0	2,130 8 5	Two thousand one hundred and forty-eight pounds sixteen shillings and fivepence	2,148 16 5
Newbury	0 0 0	26 4 0	0 0 0	2,742 3 10	Two thousand seven hundred and sixty-eight pounds seven shillings and tenpence	2,768 7 10
Marblehead	0 0 0	18 8 0	0 0 0	1,626 16 7	Sixteen hundred and forty-five pounds four shillings and sevenpence	1,645 4 7
Lynn	0 0 0	22 16 0	0 0 0	876 8 0	Eight hundred and ninety-nine pounds four shillings	899 4 0
Andover	0 0 0	24 16 0	0 0 0	1,202 13 1	Twelve hundred and twenty-seven pounds nine shillings and one penny	1,227 9 1
Beverley	0 0 0	25 18 0	0 0 0	745 5 8	Seven hundred and seventy-one pounds three shillings and eightpence	771 3 8
Rowley	0 0 0	23 8 0	0 0 0	758 10 2	Seven hundred and eighty-one pounds eighteen shillings and twopence	781 18 2
Salisbury	0 0 0	24 8 0	0 0 0	596 7 11	Six hundred and twenty pounds fifteen shillings and elevenpence	620 15 11

Haverhill . .	0 0 0	26 16 0	0 0 0	700 5 4	Seven hundred and twenty-seven pounds one shilling and fourpence	727 1 4
Glocester . .	0 0 0	21 16 0	0 0 0	1,239 15 8	Twelve hundred and sixty-one pounds eleven shillings and eightpence	1,261 11 8
Topsfield . .	0 0 0	0 0 0	0 0 0	331 15 2	Three hundred and thirty-one pounds fifteen shillings and twopence	331 15 2
Boxford . . .	0 0 0	23 4 0	0 0 0	438 15 10	Four hundred and sixty-one pounds nineteen shillings and tenpence	461 19 10
Almsbury . .	0 0 0	12 8 0	0 0 0	549 15 8	Five hundred and sixty-two pounds three shillings and eightpence	562 3 8
Bradford . . .	0 0 0	26 8 0	0 0 0	492 1 11	Five hundred and eighteen pounds nine shillings and elevenpence	518 9 11
Wenham . . .	0 0 0	0 0 0	0 0 0	278 16 7	Two hundred and seventy-eight pounds sixteen shillings and sevenpence	278 16 7
Middleton . .	10 0 0	0 0 0	0 0 0	247 12 9	Two hundred and fifty-seven pounds twelve shillings and ninepence	257 12 9
Manchester . .	0 0 0	0 0 0	0 0 0	199 9 2	One hundred and ninety-nine pounds nine shillings and twopence	199 9 2
Methuen . . .	0 0 0	0 0 0	0 0 0	317 11 1	Three hundred and seventeen pounds eleven shillings and one penny	317 11 1
	£10 0*s.* 0*d.*	£319 14*s.* 0*d.*	£0 0*s.* 0*d.*	£17,797 15*s.* 5*d.*	Eighteen thousand one hundred and twenty-seven pounds nine shil. and fivep.	£18,127 9*s.* 5*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge . .	£0 0*s.* 0*d.*	£18 8*s.* 0*d.*	£0 0*s.* 0*d.*	£661 19*s.* 1*d.*	Six hundred and eighty pounds seven shillings and one penny	£680 7*s.* 1*d.*
Charlestown . .	0 0 0	19 12 0	0 0 0	856 10 6	Eight hundred and seventy-six pounds two shillings and sixpence	876 2 6
Watertown . .	0 0 0	23 12 0	0 0 0	351 2 4	Three hundred and seventy-four pounds fourteen shillings and fourpence	374 14 4
Woburn . . .	0 0 0	16 4 0	0 0 0	616 2 9	Six hundred and thirty-two pounds six shillings and ninepence	632 6 9
Concord . . .	0 0 0	25 14 0	0 0 0	576 4 6	Six hundred and one pounds eighteen shillings and sixpence	601 18 6
Newton . . .	0 0 0	23 4 0	0 0 0	616 2 9	Six hundred and thirty-nine pounds six shillings and ninepence	639 6 9
Sudbury . . .	0 0 0	24 16 0	0 0 0	666 6 0	Six hundred and ninety-one pounds two shillings . .	691 2 0

IN THE COUNTY OF MIDDLESEX—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE PROVINCE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Marlborough	£0 0*s.* 0*d.*	£25 8*s.* 0*d.*	£0 0*s.* 0*d.*	£663 10*s.* 4*d.*	Six hundred and eighty-eight pounds eighteen shillings and fourpence	£688 18*s.* 4*d.*
Billerica	0 0 0	20 8 0	0 0 0	388 12 7	Four hundred and nine pounds and sevenpence	409 0 7
Framingham	0 0 0	25 8 0	0 0 0	507 2 8	Five hundred and thirty-two pounds ten shillings and eightpence	532 10 8
Lexington	0 0 0	23 12 0	0 0 0	424 0 8	Four hundred and fourty-seven pounds twelve shillings and eightpence	447 12 8
Chelmsford	0 0 0	25 8 0	0 0 0	379 2 11	Four hundred and four pounds ten shillings and elevenpence	404 10 11
Sherburne	0 0 0	0 0 0	0 0 0	261 17 0	Two hundred and sixty-one pounds seventeen shillings	261 17 0
Reading	0 0 0	23 12 0	0 0 0	625 12 3	Six hundred and forty-nine pounds four shillings and threepence	649 4 3
Malden	0 0 0	19 12 0	0 0 0	499 4 4	Five hundred and eighteen pounds sixteen shillings and fourpence	518 16 4
Weston	0 0 0	22 8 0	0 0 0	280 4 0	Three hundred and two pounds twelve shillings	302 12 0
Medford	0 0 0	19 12 0	0 0 0	490 18 4	Five hundred and ten pounds ten shillings and fourpence,	510 10 4
Littleton	15 0 0	0 0 0	0 0 0	266 3 11	Two hundred and eighty-one pounds three shillings and elevenpence	281 3 11
Hopkinston	0 0 0	0 0 0	0 0 0	232 4 8	Two hundred and thirty-two pounds four shillings and eightpence	232 4 8
Westford	0 0 0	22 16 0	0 0 0	255 18 8	Two hundred and seventy-eight pounds fourteen shillings and eightpence	278 14 8
Shirley	0 0 0	2 6 0	0 0 0	65 3 5	Sixty-seven pounds nine shillings and fivepence	67 9 5
Waltham	0 0 0	12 0 0	0 0 0	327 16 3	Three hundred and thirty-nine pounds sixteen shillings and threepence	339 16 3
Townshend	0 0 0	0 0 0	0 0 0	144 19 2	One hundred and forty-four pounds nineteen shillings and twopence	144 19 2
Stow	12 0 0	0 0 0	0 0 0	232 4 8	Two hundred and forty-four pounds four shillings and eightpence	244 4 8
Stoneham	0 0 0	0 0 0	0 0 0	166 5 3	One hundred and sixty-six pounds five shillings and threepence	166 5 3
Groton	0 0 0	17 2 0	0 0 0	467 17 9	Four hundred and eighty-four pounds nineteen shillings and ninepence	484 19 9

Wilmington	0	0	0	0	0	0	0	0	0	189	11	5	One hundred and eighty-nine pounds eleven shillings and fivepence	189 11 5
Natick	0	0	0	0	0	0	0	0	0	131	18	3	One hundred and thirty-one pounds eighteen shillings and threepence	131 18 3
Dracut	0	0	0	0	0	0	0	0	0	186	8	6	One hundred and eighty-six pounds eight shillings and sixpence	186 8 6
Bedford	0	0	0	0	0	0	0	0	0	217	12	8	Two hundred and seventeen pounds twelve shillings and eightpence	217 12 8
Holliston	0	0	0	0	0	0	0	0	0	211	6	1	Two hundred and eleven pounds six shillings and one penny	211 6 1
Tewksbury	0	0	0	0	0	0	0	0	0	186	8	5	One hundred and eighty-six pounds eight shillings and fivepence	186 8 5
Acton	0	0	0	0	0	0	0	0	0	137	8	11	One hundred and thirty-seven pounds eight shillings and elevenpence	137 8 11
Dunstable	0	0	0	0	0	0	0	0	0	176	16	2	One hundred and seventy-six pounds sixteen shillings and twopence	176 16 2
Pepperrel	0	0	0	5	12	0	0	0	0	149	11	2	One hundred and fifty-five pounds three shillings and twopence	155 3 2
Lincoln	0	0	0	0	0	0	0	0	0	261	19	1	Two hundred and sixty-one pounds nineteen shillings and one penny	261 19 1
	£27	0s.	0d.	£416	14s.	0d.	£0	0s.	0d.	£12,872	7s.	5d.	Thirteen thousand three hundred and sixteen pounds one shilling and fivepence	£13,316 1s. 5d.

IN THE COUNTY OF HAMPSHIRE.

Springfield	£0	0s.	0d.	£30	8s.	0d.	£0	0s.	0d.	£922	12s.	3d.	Nine hundred and fifty-three pounds and threepence	£953 0s. 3d.
Northampton	0	0	0	21	6	0	0	0	0	525	17	5	Five hundred and forty-seven pounds three shillings and fivepence	547 3 5
Hatfield	0	0	0	23	0	0	0	0	0	283	19	6	Three hundred and six pounds nineteen shillings and sixpence	306 19 6
Westfield	0	0	0	10	16	0	0	0	0	371	5	10	Three hundred and eighty-two pounds one shilling and tenpence	382 1 10
Enfield	0	0	0	0	0	0	0	0	0	274	9	9	Two hundred and seventy-four pounds nine shillings and ninepence	274 9 9
Deerfield	0	0	0	12	4	0	0	0	0	190	4	10	Two hundred and two pounds eight shillings and tenpence	202 8 10

IN THE COUNTY OF HAMPSHIRE—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE PROVINCE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Sheffield	£0 0*s.* 0*d.*	£22 8*s.* 0*d.*	£0 0*s.* 0*d.*	£409 11*s.* 6*d.*	Four hundred and thirty-one pounds nineteen shillings and sixpence	£431 19*s.* 6*d.*
Northfield	0 0 0	0 0 0	0 0 0	99 2 10	Ninety-nine pounds two shillings and tenpence	99 2 10
Hadley	0 0 0	8 18 0	0 0 0	178 11 9	One hundred and eighty-seven pounds nine shillings and ninepence	187 9 9
Amherst	0 0 0	0 0 0	0 0 0	138 15 9	One hundred and thirty-eight pounds fifteen shillings and ninepence	138 15 9
Suffield	0 0 0	0 0 0	0 0 0	509 10 0	Five hundred and nine pounds ten shillings	509 10 0
Sunderland	0 0 0	9 1 4	0 0 0	93 19 4	One hundred and three pounds and eightpence	103 0 8
Montague	0 0 0	9 1 4	0 0 0	68 15 3	Seventy-seven pounds sixteen shillings and sevenpence	77 16 7
Brimfield	0 0 0	24 0 0	0 0 0	312 0 4	Three hundred and thirty-six pounds and fourpence	336 0 4
Somers	0 0 0	0 0 0	0 0 0	185 18 0	One hundred and eighty-five pounds eighteen shillings	185 18 0
Southampton	0 0 0	7 2 0	0 0 0	85 2 9	Ninety-two pounds four shillings and ninepence	92 4 9
South Hadley	0 0 0	4 10 0	0 0 0	170 16 0	One hundred and seventy-five pounds six shillings	175 6 0
Palmer	0 0 0	0 0 0	0 0 0	116 18 4	One hundred and sixteen pounds eighteen shillings and fourpence	116 18 4
Pelham	0 0 0	0 0 0	0 0 0	99 10 7	Ninety-nine pounds ten shillings and sevenpence	99 10 7
Granville	0 0 0	0 0 0	0 0 0	66 7 0	Sixty-six pounds seven shillings	66 7 0
Coldspring	0 0 0	0 0 0	0 0 0	66 7 0	Sixty-six pounds seven shillings	66 7 0
Greenwich	0 0 0	0 0 0	0 0 0	74 5 2	Seventy-four pounds five shillings and twopence	74 5 2
Blanford	0 0 0	0 0 0	0 0 0	41 17 5	Forty-one pounds seventeen shillings and fivepence	41 17 5
New Salem	0 0 0	9 1 4	0 0 0	47 7 10	Fifty-six pounds nine shillings and twopence	56 9 2
New Marlborough	0 0 0	0 0 0	0 0 0	71 1 10	Seventy-one pounds one shilling and tenpence	71 1 10
No. One (in the line of towns)	0 0 0	0 0 0	0 0 0	47 7 10	Forty-seven pounds seven shillings and tenpence	47 7 10
Ware River	0 0 0	0 0 0	0 0 0	47 7 10	Forty-seven pounds seven shillings and tenpence	47 7 10
Stockbridge	0 0 0	11 12 0	0 0 0	94 15 10	One hundred and six pounds seven shillings and tenpence,	106 7 10
Roadtown	0 0 0	0 0 0	0 0 0	39 9 1	Thirty-nine pounds nine shillings and one penny	39 9 1
Egremont	0 0 0	0 0 0	0 0 0	47 7 10	Forty-seven pounds seven shillings and tenpence	47 7 10
Greenfield	0 0 0	5 8 0	0 0 0	85 8 10	Ninety pounds sixteen shillings and tenpence	90 16 10
	£0 0*s.* 0*d.*	£208 16*s.* 0*d.*	£0 0*s.* 0*d.*	£5,766 5*s.* 6*d.*	Five thousand nine hundred and seventy-five pounds one shilling and sixpence	£5,975 1*s.* 6*d.*

IN THE COUNTY OF WORCESTER.

Worcester . .	£0	0s.	0d.	£18	18s.	0d.	£0	0s.	0d.	£505 5s. 11d.
Lancaster . .	0	0	0	27	4	0	0	0	0	568 14 6
Mendon . . .	0	0	0	24	8	0	0	0	0	545 0 9
Woodstock . .	0	0	0	0	0	0	0	0	0	612 19 9
Brookfield . .	0	0	0	22	16	0	0	0	0	447 9 8
Oxford . . .	0	0	0	21	2	0	0	0	0	225 10 10
Charlton . . .	0	0	0	6	10	0	0	0	0	122 5 5
Sutton . . .	0	0	0	27	8	0	0	0	0	435 16 11
Rutland . . .	0	0	0	0	0	0	0	0	0	313 12 0
New Braintree .	0	0	0	0	0	0	0	0	0	26 6 7
District of Rutland,	0	0	0	0	0	0	0	0	0	44 15 3
Leicester . . .	0	0	0	19	6	8	0	0	0	263 16 4
District of Spencer .	0	0	0	9	13	4	0	0	0	131 18 3
Southborough .	0	0	0	0	0	0	0	0	0	244 9 4
Westborough . .	0	0	0	18	8	0	0	0	0	341 12 11
Shrewsbury . .	0	0	0	24	8	0	0	0	0	398 2 7
Lunenburg . .	0	0	0	22	0	0	0	0	0	333 14 9
Uxbridge . .	0	0	0	0	0	0	0	0	0	302 2 11
Harvard . . .	0	0	0	0	0	0	0	0	0	274 1 11
Dudley . . .	0	0	0	0	0	0	0	0	0	180 2 2
Bolton . . .	0	0	0	23	8	0	0	0	0	273 6 1

Five hundred and twenty-four pounds three shillings and elevenpence	£524 3s. 11d.
Five hundred and ninety-five pounds eighteen shillings and sixpence	595 18 6
Five hundred and sixty-nine pounds eight shillings and ninepence	569 8 9
Six hundred and twelve pounds nineteen shillings and ninepence	612 19 9
Four hundred and seventy pounds five shillings and eightpence	470 5 8
Two hundred and forty-six pounds twelve shillings and tenpence	246 12 10
One hundred and twenty-eight pounds fifteen shillings and fivepence	128 15 5
Four hundred and sixty-three pounds four shillings and elevenpence	463 4 11
Three hundred and thirteen pounds twelve shillings	313 12 0
Twenty-six pounds six shillings and sevenpence	26 6 7
Forty-four pounds fifteen shillings and threepence	44 15 3
Two hundred and eighty-three pounds three shillings	283 3 0
One hundred and forty-one pounds eleven shillings and sevenpence	141 11 7
Two hundred and forty-four pounds nine shillings and fourpence	244 9 4
Three hundred and sixty pounds and elevenpence	360 0 11
Four hundred and twenty-two pounds ten shillings and sevenpence	422 10 7
Three hundred and fifty-five pounds fourteen shillings and ninepence	355 14 9
Three hundred and two pounds two shillings and elevenpence	302 2 11
Two hundred and seventy-four pounds one shilling and elevenpence	274 1 11
One hundred and eighty pounds two shillings and twopence	180 2 2
Two hundred and ninety-six pounds fourteen shillings and one penny	296 14 1

IN THE COUNTY OF WORCESTER—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE PROVINCE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Upton	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£150 17*s.* 7*d.*	One hundred and fifty pounds seventeen shillings and sevenpence	£150 17*s.* 7*d.*
Sturbridge	0 0 0	16 8 0	0 0 0	118 2 1	One hundred and thirty-four pounds ten shillings and one penny	134 10 1
Leominster	0 0 0	0 0 0	0 0 0	142 3 8	One hundred and forty-two pounds three shillings and eightpence	142 3 8
Hardwick	12 0 0	18 0 0	0 0 0	175 7 4	Two hundred and five pounds seven shillings and fourpence	205 7 4
Holden	0 0 0	0 0 0	0 0 0	90 1 3	Ninety pounds one shilling and threepence	90 1 3
Western	0 0 0	0 0 0	0 0 0	137 8 11	One hundred and thirty-seven pounds eight shillings and elevenpence	137 8 11
Douglass	0 0 0	0 0 0	0 0 0	39 9 11	Thirty-nine pounds nine shillings and elevenpence	39 9 11
Grafton	0 0 0	0 0 0	0 0 0	230 13 0	Two hundred and thirty pounds thirteen shillings	230 13 0
Petersham	0 0 0	0 0 0	0 0 0	102 13 9	One hundred and two pounds thirteen shillings and ninepence	102 13 9
Westminster	0 0 0	0 0 0	0 0 0	58 10 2	Fifty-eight pounds ten shillings and twopence	58 10 2
	£12 0*s.* 0*d.*	£299 18*s.* 0*d.*	£0 0*s.* 0*d.*	£7,836 12*s.* 6*d.*	Eight thousand one hundred and forty-eight pounds ten shillings and sixpence	£8,148 10*s.* 6*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth	£0 0*s.* 0*d.*	£19 12*s.* 0*d.*	£0 0*s.* 0*d.*	£758 6*s.* 2*d.*	Seven hundred and seventy-seven pounds eighteen shillings and twopence	£777 18*s.* 2*d.*
Scituate	0 0 0	24 8 0	0 0 0	1,042 13 8	One thousand and sixty-seven pounds one shilling and eightpence	1,067 1 8
Duxbury	0 0 0	27 4 0	0 0 0	343 12 3	Three hundred and seventy pounds sixteen shillings and threepence	370 16 3
Marshfield	0 0 0	6 4 0	0 0 0	708 11 1	Seven hundred and fourteen pounds fifteen shillings and one penny	714 15 1

Bridgwater	0 0 0	25 12 0	0 0 0	1,205 8 3	Twelve hundred and thirty-one pounds and threepence	1,231 0 3
Middleborough	0 0 0	24 12 0	0 0 0	865 6 10	Eight hundred and eighty-nine pounds eighteen shillings and tenpence	889 18 10
Rochester	0 0 0	26 16 0	0 0 0	521 14 11	Five hundred and forty-eight pounds ten shillings and elevenpence	548 10 11
Plympton	0 0 0	25 16 0	0 0 0	441 11 0	Four hundred and sixty-seven pounds seven shillings	467 7 0
Pembrook	0 0 0	25 0 0	0 0 0	446 0 4	Four hundred and seventy-one pounds and fourpence	471 0 4
Kingston	0 0 0	27 4 0	0 0 0	255 2 9	Two hundred and eighty-two pounds six shillings and ninepence	282 6 9
Hanover	0 0 0	24 12 0	0 0 0	306 9 11	Three hundred and thirty-one pounds one shilling and elevenpence	331 1 11
Abbington	0 0 0	25 0 0	0 0 0	355 9 4	Three hundred and eighty pounds nine shillings and fourpence	380 9 4
Halifax	0 0 0	0 0 0	0 0 0	195 0 0	One hundred and ninety-five pounds	195 0 0
Warham	0 0 0	0 0 0	0 0 0	218 0 5	Two hundred and eighteen pounds and fivepence	218 0 5
	£0 0s. 0d.	£282 0s. 0d.	£0 0s. 0d.	£7,663 6s. 11d.	Seven thousand nine hundred and forty-five pounds six shillings and elevenpence	£7,945 6s. 11d.

IN THE COUNTY OF BARNSTABLE.

Barnstable	£0 0s. 0d.	£26 12s. 0d.	£0 0s. 0d.	£663 10s. 4d.	Six hundred and ninety pounds two shillings and fourpence	£690 2s. 4d.
Yarmouth	0 0 0	25 18 0	0 0 0	434 8 10	Four hundred and sixty pounds six shillings and tenpence	460 6 10
Sandwich	0 0 0	29 12 0	0 0 0	473 18 8	Five hundred and three pounds ten shillings and eightpence	503 10 8
Eastham	0 0 0	16 0 0	0 0 0	540 5 0	Five hundred and fifty-six pounds five shillings	556 5 0
Harwich	0 0 0	22 0 0	0 0 0	419 8 10	Four hundred and forty-one pounds eight shillings and tenpence	441 8 10
Chatham	0 0 0	0 0 0	0 0 0	238 3 1	Two hundred and thirty-eight pounds three shillings and one penny	238 3 1
Truro	0 0 0	0 0 0	0 0 0	255 10 10	Two hundred and fifty-five pounds ten shillings and tenpence	255 10 10
Falmouth	10 0 0	26 4 0	0 0 0	293 16 11	Three hundred and thirty pounds and elevenpence	330 0 11
	£10 0s. 0d.	£146 6s. 0d.	£0 0s. 0d.	£3,319 2s. 6d.	Three thousand four hundred and seventy-five pounds eight shillings and sixpence	£3,475 8s. 6d.

IN THE COUNTY OF BRISTOL.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE PROVINCE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Taunton	£0 0s. 0d.	£27 4s. 0d.	£0 0s. 0d.	£915 2s. 4d.	Nine hundred and forty-two pounds six shillings and fourpence	£942 6s. 4d.
Rehoboth	0 0 0	26 8 0	0 0 0	1,311 13 4	One thousand three hundred and thirty-eight pounds one shilling and fourpence	1,338 1 4
Swanzey with Shawamet	0 0 0	25 8 0	0 0 0	582 2 9	Six hundred and seven pounds ten shillings and ninepence	607 10 9
Dartmouth	0 0 0	27 12 0	0 0 0	1,706 4 3	Seventeen hundred and thirty-three pounds sixteen shillings and threepence	1,733 16 3
Norton	0 0 0	21 16 0	0 0 0	572 5 9	Five hundred and ninety-four pounds one shilling and ninepence	594 1 9
Attleborough	0 0 0	24 16 0	0 0 0	624 16 8	Six hundred and forty-nine pounds twelve shillings and eightpence	649 12 8
Dighton	0 0 0	10 2 0	0 0 0	403 12 9	Four hundred and thirteen pounds fourteen shillings and ninepence	413 14 9
Freetown	0 0 0	0 0 0	0 0 0	372 16 8	Three hundred and seventy-two pounds sixteen shillings and eightpence	372 16 8
Raynham	10 0 0	0 0 0	0 0 0	240 18 7	Two hundred and fifty pounds eighteen shillings and sevenpence	250 18 7
Easton	0 0 0	0 0 0	0 0 0	276 17 1	Two hundred and seventy-six pounds seventeen shillings and one penny	276 17 1
Berkley	0 0 0	0 0 0	0 0 0	215 15 3	Two hundred and fifteen pounds fifteen shillings and threepence	215 15 3
	£10 0s. 0d.	£163 6s. 0d.	£0 0s. 0d.	£7,222 5s. 5d.	Seven thousand three hundred and ninety-five pounds eleven shillings and fivep.	£7,395 11s. 5d.

IN THE COUNTY OF YORK.

York	£0	0s.	0d.	£30	4s.	0d.	£0	0s.	0d.	£928	2s.	10d.	Nine hundred and fifty-eight pounds six shillings and tenpence	£958	6s.	10d.
Kittery	0	0	0	28	8	0	0	0	0	1,090	1	7	Eleven hundred and eighteen pounds nine shillings and sevenpence	1,118	9	7
Wells	0	0	0	23	0	0	0	0	0	417	1	6	Four hundred and forty pounds one shilling and sixpence,	440	1	6
Berwick	0	0	0	23	0	0	0	0	0	568	14	6	Five hundred and ninety-one pounds fourteen shillings and sixpence	591	14	6
Falmouth	0	0	0	30	8	0	14	13	4	900	9	10	Nine hundred and forty-five pounds eleven shillings and twopence	945	11	2
Biddeford	0	0	0	2	12	0	0	0	0	382	6	3	Three hundred and eighty-four pounds eighteen shillings and threepence	384	18	3
Arundell	0	0	0	0	0	0	0	0	0	212	9	9	Two hundred and twelve pounds nine shillings and ninepence	212	9	9
Scarborough	0	0	0	0	0	0	0	0	0	325	16	11	Three hundred and twenty-five pounds sixteen shillings and elevenpence	325	16	11
North Yarmouth	0	0	0	16	16	0	0	0	0	106	13	9	One hundred and twenty-three pounds nine shillings and ninepence	123	9	9
Georgetown	0	0	0	0	0	0	0	0	0	100	9	7	One hundred pounds nine shillings and sevenpence	100	9	7
Woolwich	0	0	0	0	0	0	0	0	0	50	0	0	Fifty pounds	50	0	0
Brunswick	0	0	0	0	0	0	0	0	0	112	1	6	One hundred and twelve pounds one shilling and sixpence	112	1	6
Sheepscut	0	0	0	0	0	0	0	0	0	94	15	10	Ninety-four pounds fifteen shillings and tenpence	94	15	10
Pownallborough	0	0	0	0	0	0	0	0	0	50	0	0	Fifty pounds	50	0	0
District of Harpswell	0	0	0	0	0	0	5	4	8	58	10	2	Sixty-three pounds fourteen shillings and tenpence	63	14	10
	£0	0s.	0d.	£154	8s.	0d.	£19	18s.	0d.	£5,397	14s.	0d.	Five thousand five hundred and seventy-two pounds	£5,572	0s.	0d.

IN THE COUNTY OF DUKES COUNTY.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	DRAWN OUT OF THE PROVINCE TREASURY TO HIRE MEN IN LIEU OF QUAKERS.	PROVINCE TAX.	SUM TOTAL.	
Edgartown	£0 0s. 0d.	£30 4s. 0d.	£0 0s. 0d.	£329 0s. 0d.	Three hundred and fifty-nine pounds four shillings	£359 4s. 0d.
Chilmark	0 0 0	0 0 0	0 0 0	366 10 4	Three hundred and sixty-six pounds ten shillings and fourpence	366 10 4
Tisbury	0 0 0	0 0 0	0 0 0	210 2 3	Two hundred and ten pounds two shillings and threepence	210 2 3
	£0 0s. 0d.	£30 4s. 0d.	£0 0s. 0d.	£905 12s. 7d.	Nine hundred and thirty-five pounds sixteen shillings and sevenpence	£935 16s. 7d.

IN NANTUCKET COUNTY.

Sherburne	£0 0s. 0d.	£17 8s. 0d.	£0 0s. 0d.	£1,381 11s. 2d.	Thirteen hundred and ninety-eight pounds nineteen shillings and twopence	£1,398 19s. 2d.

Suffolk	0 0 0	340 10 0	0 0 0	24,714 17 7	Twenty-five thousand and fifty-five pounds seven shillings and sevenpence	25,055 7 7
Essex	10 0 0	319 14 0	0 0 0	17,797 15 5	Eighteen thousand one hundred twenty-seven pounds nine shillings and fivepence	18,127 9 5
Middlesex	27 0 0	416 14 0	0 0 0	12,872 7 5	Thirteen thousand three hundred and sixteen pounds one shilling and fivepence	13,316 1 5
Hampshire	0 0 0	208 16 0	0 0 0	5,766 5 6	Five thousand nine hundred and seventy-five pounds one shilling and sixpence	5,975 1 6
Worcester	12 0 0	299 18 0	0 0 0	7,836 12 6	Eight thousand one hundred and forty-eight pounds ten shillings and sixpence	8,148 10 6

Plymouth . .	0	0	0	282	0	0	0	0	0	7,663 6 11	Seven thousand nine hundred and forty-five pounds six shillings and elevenpence	7,945 6 11
Barnstable . .	10	0	0	146	6	0	0	0	0	3,319 2 6	Three thousand four hundred and seventy-five pounds eight shillings and sixpence	3,475 8 6
Bristol . . .	10	0	0	163	6	0	0	0	0	7,222 5 5	Seven thousand three hundred and ninety-five pounds eleven shillings and fivepence	7,395 11 5
York . . .	0	0	0	154	8	0	19	18	0	5,397 14 0	Five thousand five hundred and seventy-two pounds .	5,572 0 0
Dukes County .	0	0	0	30	4	0	0	0	0	905 12 7	Nine hundred and thirty-five pounds sixteen shillings and sevenpence	935 16 7
Nantucket . .	0	0	0	17	8	0	0	0	0	1,381 11 2	One thousand three hundred and ninety-eight pounds nineteen shillings and twopence	1,398 19 2
	£69	0*s.*	0*d.*	£2,379	4*s.*	0*d.*	£19	18*s.*	0*d.*	£94,877 11*s.* 0*d.*	Ninety-seven thousand three hundred and forty-five pounds thirteen shillings	£97,345 13*s.* 0*d.*

And be it further enacted,

Rules for assessment.

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district or parish or other place within this province that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, fifteen shillings and eightpence per poll, and proportionably in assessing the fines mentioned in this act, and the additional sum received out of the treasury for the payment of representatives (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands and under their actual management and improvement; as also the estate pertaining to Harvard College): and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls, or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county in proportion to their province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money or commissions of profit in their improvement, according to their understanding or cunning, at one shilling per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for such town, district, parish or other place to pay; and in making their assessment, to estimate houses and lands at six years' yearly rent, whereat the same may be reasonably set or let for in the place where they lye: *saving* all contracts between landlord and tenant, and where no contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate negro, Indian and mollatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; every horse and mare of three years old and upwards, at forty shillings; every swine of one year old and upwards, at eight shillings; goats and sheep of year old, at three shillings each: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and if as guardians, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists, so perfected and signed by them, or the major part of them, to commit to the collectors, constable or constables of any such town,

district, parish or other place, and to return a certificate of the name or names of such collector, constable or constables, with the sum-total to each of them committed, unto himself, some time before the last day of October next.

[Sect. 4.] And the treasurer, for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector, or constable or constables of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirty-first day of March, which will be in the year of our Lord one thousand seven hundred and sixty-one.

And be it further enacted,

Inhabitants to bring in a true list of their polls, &c.

[Sect. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time, before their making of the assessment, shall give seasonable warning to the inhabitants, in a town-meeting, or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants, some other way, to give or bring in to the assessors true and perfect lists of their polls, rateable estate, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid into the town, district, or parish treasurer, or selectmen, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief, as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions for any abatement of the assessment laid on him or them.

[Sect. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he doth or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and before the next year's assessment are gone out of the province, and so pay nothing towards the support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it further enacted,

Transient traders to be rated.

[SECT. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, and trade, to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any other town beside where they dwell.

[SECT. 8.] That when any merchant, trader or factor, shall set up a store, and traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business [shall be*] carried on as aforesaid, be and hereby are impowered to rate and assess all such merchants, traders and factors, their goods and merchandizes, for carrying on such trade and business, and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[SECT. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same. [*Passed June* 20.

CHAPTER 12.

AN ACT TO CONTINUE THE LOAN OF THREE THOUSAND FIVE HUNDRED POUNDS TO THE TOWN OF BOSTON.

Preamble. 1757–58, chap. 4, §§ 5 and 6.

WHEREAS, in and by an act intituled "An Act for supplying the treasury with the sum of three thousand five hundred pounds, and for lending the same to the town of Boston," it is enacted that the aforesaid sum of three thousand five hundred pounds, when the treasury shall be supplied therewith as by said act is directed, shall be lent and delivered to the selectmen of said town of Boston, to be applied to discharge the debts of the said town as the said town shall order; and, for securing the repayment of the same sum, with the interest at the rate of six per cent per annum, to the province treasurer for the time being, in case, according to the true intent of said act, said town ought to be held to pay the same, it is, among other things, by the same act, enacted that "the treasurer, some time in the month of June, one thousand seven hundred and sixty, shall send forth his warrant, directed to the selectmen or assessors of the said town of Boston, requiring them to assess the polls, and estates both real and personal, within the said town, for" the "sum of four thousand one hundred and thirty pounds, in their respective proportions, to be paid into the province treasury on or before the thirty-first day of March then next after," as by the same act more fully and at large appears: *and whereas*, pursuant to the same act, the treasurer hath lent to the said town of Boston the sum first mentioned; *and whereas* the general court have not agreed upon a general valuation through this province, and so it is at present uncertain whether the town of Boston have been overrated since the year one thousand seven hundred and fifty-six; and as the

* Gone from the printed copy.

town of Boston have solicited this court to continue the loan of the sum first mentioned 'till such time as a general valuation shall be taken through this province; therefore,—

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Loan of £3,500 to the town of Boston.

[Sect. 1.] That the loan of the said sum of three thousand five hundred pounds be continued to the said town of Boston for the space of three years from the twentieth of June current, and that the treasurer be and he hereby is prohibited from issuing out his warrant to the selectmen or assessors of the town of Boston for assessing the polls, and estates real and personal, within the said town, for the sum of four thousand one hundred and thirty pounds, as in and by the same act he is directed.

And be it further enacted and ordered,

Treasurer directed how to proceed.

[Sect. 2.] That whenever the valuation shall be taken through this province, and each town and district's proportion thereby known and determined by the court, and be thereby ascertained that the town of Boston was not overrated for the year one thousand seven hundred and fifty-six, or any other year after until the taking of the valuation and ascertaining as aforesaid,—*provided* said determination shall be before the year one thousand seven hundred and sixty-three,—and so not be intitled to any allowance, or no valuation taken or setled before said time, then the said town shall pay the whole sum of four thousand one hundred and thirty pounds.

[Sect. 3.] The treasurer, some time in the month of June, one thousand seven hundred and sixty-three, shall send forth his warrant, directed to the selectmen or assessors of said town of Boston, requiring them to assess the polls, and estates both real and personal, within the said town, for said sum of four thousand one hundred and thirty pounds, together with the interest that shall further become due at the time the tax shall be ordered to be levied, in their respective proportions, to be paid into the province treasury on or before the thirty-first of March then next after; and the assessors and persons assessed shall observe, be governed by, and subject to, all such rules and directions as shall be given in the last preceeding tax act.

[Sect. 4.] But in case a valuation shall be taken and settled before the year one thousand seven hundred and sixty-three, and thereby it shall appear the town of Boston is overrated the whole of said sum between the years one thousand seven hundred and fifty-five and one thousand seven hundred and sixty-three, and the treasurer of the province be certified thereof by the general court, in their session in May, one thousand seven hundred and sixty-three, then and in such case the said treasurer is hereby forbid issuing his warrants to the selectmen or assessors of said town of Boston for the sum aforesaid.

[Sect. 5.] But if, upon a valuation being taken, and the proportions of the several towns being setled, before the year one thousand seven hundred and sixty-three, it shall appear thereby that the said town of Boston have been overrated but only part of the aforesaid sum of four thousand one hundred and thirty pounds, with what may be further due for interest, then and in such case such part shall be remitted to them; and the treasurer shall issue his warrant for such remainder, agreeable to the direction of the general court at their session in May, one thousand seven hundred and sixty-three, requiring the selectmen or assessors of said town of Boston to assess the same in manner as aforesaid, with interest, to be paid into the treasury on or before the thirty-first day of March next after; and the assessors and persons assessed shall observe, be governed by, and subject to, all such rules and directions as shall be given in the last preceeding tax act. [*Passed June* 20; *published June* 23.

CHAPTER 13.

AN ACT FOR THE MORE EASY DIVISION AND DISTRIBUTION OF INTESTATE ESTATES.

Preamble. 1 Mass. 331. 7 Mass. 84. 9 Mass. 11.

WHEREAS it often happens that persons dying intestate leave their real estate, or some part of it, lying in common and undivided with the real estate of some other person, whereby the division or distribution of such estate, by the judge of probate, to and among the heirs, is impeded and delayed, to the great damage and unnecessary expence of such heirs,—

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Judges of probate power as to the division and distribution of intestate estates.

[SECT. 1.] That the respective judges of probate within this province be and hereby are directed and impowered, within their several counties, when they make out their warrants for the division of any real estate of any person dying intestate, to and among his heirs, or for setting off the widow's thirds, — where such estate or any part thereof lies in common or undivided with the real estate of any other person,— to direct the committee named in such warrant, first, to sever and divide the said intestate estate from the estate with which it lies in common as aforesaid: the said committee to be under oath for the faithful discharge of this trust, and the parties concerned on both sides to be timely notified to be present, if they see cause; and such division so made, and accepted by the judge, and duly recorded in the register's office for the same county, shall be binding on all persons concerned.

Provided,—

Proviso.

[SECT. 2.] That where any minors, or persons *non compos*, are interested in either of said estates, guardians shall be appointed over them before any such division is made. *Provided, also*, that before the order for such division issue, it be made appear to the respective judges of probate that the several persons interested in such estate, if living within the province, or the attorneys of such as are absent and have attorneys residing within this province, have been duly notified of such petition, and have had opportunity to make their exceptions to the same.

Limitation.

[SECT. 3.] This act to continue and be in force for the space of two years from the twentieth of July next, and no longer. [*Passed June* 20; *published June* 23.

ACTS

Passed at the Session begun and held at Boston, on the Thirteenth day of August, A.D. 1760.

CHAPTER 14.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his excellency Francis Bernard, Esq., captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of government. [*Passed August* 15; *published August* 16.

CHAPTER 15.

AN ACT FOR RAISING A FURTHER SUM OF MONEY, BY A LOTTERY OR LOTTERIES, FOR COMPLEATING THE PAVEMENT OF THE HIGHWAY, IN ROXBURY (FROM BOSTON LINE TO THE FOOT OF THE MEETING-HOUSE HILL), LEADING TOWARDS DEDHAM.

Preamble. 1758-59, chap. 39.

Whereas the great and general court, at their sessions in April, one thousand seven hundred and fifty-nine, impowered Messieurs Joseph Williams, Samuel Heath, Ebenezer Newell, Jeremiah Richards and Joseph Mayo to raise, by a lottery or lotteries, the sum of one thousand six hundred and sixty-six pounds thirteen shillings and fourpence, to be applied towards paving and repairing the highway aforesaid; *and whereas* said sum has been accordingly raised, and the same expended for the purposes for which it was raised, so far as it would extend, but it being insufficient to compleat and finish said pavement, repair and widening said highway: for raising a sum sufficient for finishing said highway, and paying the charges of said lotteries,—

Be it enacted by the Governor, Council and House of Representatives,

Messieurs. Joseph Williams, Samuel Heath, Ebenezer Newell, Jeremiah Richards, and Joseph Mayo, selectmen of Rox-

[Sect. 1.] That the said Joseph Williams, Samuel Heath, Ebenezer Newell, Jeremiah Richards and Joseph Mayo, or any three of them, be and they hereby are allowed and impowered to set up and carry on one or more lottery or lotteries, amounting in the whole to such a sum as, by deducting ten per cent out of the same, or out of each prize- or benefit-ticket, may raise the sum of seven hundred and

bury, allowed and empowered to carry on a lottery or lotteries for the purposes therein mentioned.

fifty pounds, and no more, to be applied towards finishing and completing the pavement of said highway, repairing and widening the same, and the necessary charges of managing and prosecuting the lotteries aforesaid.

[SECT. 2.] And the said Joseph Williams, Samuel Heath, Ebenezer Newell, Jeremiah Richards and Joseph Mayo, or any three of them, are hereby impowered to make all necessary rules and orders for the regular proceeding therein; and they shall be sworn to the faithful discharge of the trust aforesaid, and shall be answerable to the purchasers and drawers of the tickets for any deficiency or misconduct; and the money thus raised shall be applied to the uses and purposes aforesaid. [*Passed August* 15; *published August* 16.

ACTS

Passed at the Session begun and held at Boston, on the Seventeenth day of December, A. D. 1760.

CHAPTER 16.

AN ACT FOR FINISHING SUCH COMMISSIONS AS HAVE BEEN BEGUN TO BE ACTED UPON, AND HAVE NOT BEEN FINISHED, DURING THE CONTINUANCE IN FORCE OF THE ACT PROVIDING REMEDY FOR BANKRUPTS AND THEIR CREDITORS.

Preamble. 1757-58, chap. 12.

Whereas, during the time that the act intituled "An Act providing remedy for bankrupts and their creditors" was in force, commissions of bankruptcy were issued, in pursuance thereof, against sundry persons who were declared bankrupts, and their estates and rights transferred to be distributed among their respective creditors, in manner as in said act is directed, and many further proceedings were had relative to such bankrupts, their estates and rights, pursuant to the said act, in the most of which cases, when the same act determined and ceased to be in force, a great part of such bankrupt's estates remained in the hands of the assignees, and many of the demands and debts due and belonging to such bankrupts were outstanding; and, by the determination of said act, all proceedings thereon are stopped for want of power in the commissioners and assignees to finish their business, and make an equitable distribution among the creditors, of the estates and rights transferred for that purpose; and many attachments have been and may hereafter be made of the bankrupt's effects and demands in the hands of the assignees or debtors of such bankrupts, whereby great injustice and inequal[l]ity will take place unless prevented; for remedy whereof,—

Be it enacted by the Governor, Council and House of Representatives,

Commissioners empowered to finish their trusts.

[Sect. 1.] That all commissioners and assignees that were appointed and constituted pursuant to said act, while the same was in force, be and hereby are authorized and directed to execute and finish their respective trusts and undertakings, aforesaid, in the same manner as they were impowered and directed in and by said act; and shall and may, in the same manner, prosecute any suits, and exercise the same powers touching the matters and things committed to them; and such assignees shall be, in [the] like manner, held to distribute the goods and estate of such bankrupts as in and by said act they were to distribute and pay the same. And such bankrupts, their trustees, debtors, creditors, persons to be examined, and all others concerned, shall be subjected to the same regulations and orders, and upon the same penalties and forfeitures, that in and by said act they were subjected to.

Bankrupts, &c., subjected as by the former act.

Proviso.

Provided,—

[Sect. 2.] That, as to such bankrupts as, at or before the time of

their becoming bankrupts, were merchants or factors, or had traded in, or had consignments from, Great Britain, the respective assignees shall not make any further distribution until after the commissioners have again met to receive and examine any new claims that shall be offered, and have determined which of them shall be allowed; and the commissioners are hereby required to give publick notice, in manner as is directed in said act, of the time and place of their meeting; which time of meeting shall not be less than nine months, nor more than twelve months, after such notification.

And be it further enacted,

Attachments on estates transferred pursuant to former act, made void.

[SECT. 3.] That all attachments made of any estate of such bankrupts that hath been transferred pursuant to said act, whether upon suit against such bankrupts, or against such assignees, or any others, as factors, or agents, or trustees, of such bankrupts, shall be and hereby are declared void; and accordingly shall, upon the same being shewed to the court before whom they are or shall be depending, be dismissed.

Preamble.

And whereas it would be very severe and distressing to those bankrupts, who, instead of absconding, and defrauding their creditors of their estates by private trusts and concealments, have conformed to said act, and delivered up all they had, in expectation of the benefit of the same act, if their future acquisitions, and bodies, should still remain liable to such creditors; and as it is improbable that, under such confinements or discouragements, such bankrupts will ever acquire any estate wherewith to make any further payments to such creditors, or be useful to the publick,—

Be it therefore enacted,

Certificates rendered valid.

[SECT. 4.] That a like certificate with that mentioned in the act aforesaid, and so obtained, signed and allowed as is therein required, shall be as effectual, and in the same manner avail any bankrupt to whom it shall be given, as if the same had been obtained while said act was in force.

Provided, nevertheless,—

Proviso.

[SECT. 5.] This act shall not be construed to extend to any case wherein the bankrupt did not surrender himself, and deliver up his effects, before the determination of said act. [*Passed and published December* 24.*

CHAPTER 17.

AN ACT FOR ALLOWING NECESSARY SUPPLIES TO THE EASTERN INDIANS, AND FOR REGULATING TRADE WITH THEM AND PREVENTING ABUSES THEREIN.

Preamble. 1752-53, chap. 14.

WHEREAS the Indians in the eastern parts of this province, have many years since recognized their subjection and obedience to the crown of Great Britain, and have their depend[e][a]nce upon this government for supplies of cloathing, provisions, and other necessar[y][ie]s: to the intent, therefore, that they may be furnished with the same at such easy rates as may engage them to a firm adherence to his majesty's interest.—

Be it enacted by the Governor, Council and House of Representatives,

Indians to be supplied by persons chosen

[SECT. 1.] That provisions, cloathing and other suitable supp[y][ie]s for a trade with the Indians, be procured with the several

* Signed January 31, according to the record.

sums that have been, now are, or shall hereafter be granted for that purpose by the general court, and appl[y][*i*]ed, from time to time, for supplying the said Indians as aforesaid, by such person or persons as shall be annually chosen by this court, who shall proceed according to the instructions they shall receive from this court, or from the commander-in-chief for the time being, by and with the advice of the council, on any emergency in the recess of this court: *provided* such instructions and directions be consist[a][*e*]nt with such instructions as are or may be given by the general court; and all supplies of cloathing, provisions and other necessaries shall be lodged at such places in the eastern parts of this province, and elsewhere, as the general court have or may hereafter order. by the court, agreeable to instructions.

And be it further enacted,

[Sect. 2.] That a suitable person be appointed by this court for each of the places where any of the goods aforesaid are lodged, as truck-masters for the management of the trade with the Indians; and to be paid for his service such sum or sums as this court shall judge reasonable for his allowance in said capacity; and in case of the death or removal of any one or more of said truck-masters by mismanag[*e*]ment of said trust, during the recess of the court, another shall be put in his room by the commander-in-chief, with the advice of the council; which truck-masters shall be under oath, and give sufficient security to the province treasurer for the faithful[l] discharge of their office, and shall observe the instructions which, from time to time, shall be given them, and shall not trade for themselves, only in the capacity of a truck-master, with the Indians, or any other person or persons; neither may any officer or soldier, residing at or within any of the truck-houses, or any other person in the pay of this government, either on account of themselves, or any other person or persons, presume to trade with the Indians, on board any ship or vessel[l] or transport, in those parts, for any of the aforementioned goods; nor shall it be lawful[l] for any other person or persons to sell, truck, barter or exchange with any Indian or Indians, any strong beer, cyder, wine, rum, brandy or any other strong liquor, cloathing, or any other thing whatsoever the Indians may want, on penalty of forty shillings, or six months' imprisonment for each and every offence above mentioned. To be paid as the court shall judge reasonable. Truck-masters to be under oath, and give security. Not to trade for themselves. No other persons to trade with the Indians.

And be it further enacted,

[Sect. 3.] That the said truck-masters shall sell the goods to the Indians at the prices set in the invoices sent them from time to time by the commissary, which shall be the same which he gave for the goods in the town of Boston, with a reasonable advance thereon, sufficient to pay the charge of transportation and all other charges arising thereon; and shall allow the Indians, for their fur[r]s and other peltry, as the market shall be at Boston, according to their several quali-t[y][*ie*]s, by the latest advices that they shall receive from the said officer, who shall send the prices to the several truck-masters at least twice in a year; viz[t]., every spring and fall: and the truck-masters may supply the Indians with rum in moderate quantities, as they shall, in prudence, judge convenient and necessary. Commissary to set prices at which goods are to be sold. Prices of furs regulated.

[Sect. 4.] And in case any of the truck-masters shall presume to sell any goods at higher rates than they are set at by the government, or shall charge to the government more for any fur[r]s or other goods than they allowed the indians therefor, such truck-masters, being convicted thereof, shall forfeit and pay the sum of one hundred pounds, and shall thenceforth be altogether disabled to hold or exercise any office within this government; and the more effectually to prevent or detect any such pernicious practi[s][*c*]es, each and every truck-master, when and so often as he shall settle and adjust his account with the

said officer appointed by this court for supplying the Indians, shall make oath before the said officer, who is hereby authorized and appointed to administer the same, in manner following; viz[t].,—

Truck-master's oath.

You, A. B., do swear that the goods committed to you for the supply of the Indians, have been sold at no higher rates than they were set at by the government, and that you have charged for the fur[r]s and goods you have made returns of, no more than you have paid the Indians for them. So help you God.

And for the better discovery of such ill-disposed persons, who, thro[']*[ugh]* greediness of filthy lucre, and regardless of the publick good, shall privat[e]ly sell or deliver any sort of strong drink to any Indian or Indians, of which it is difficult to obtain pos[s]itive evidence, other than the accusation of such Indian or Indians,—

Be it further enacted,

Method of conviction of persons selling to Indians contrary to this act.

[SECT. 5.] That the accusation and affirmation of any Indian or Indians, the accuser and accused being brought face to face at the time of trial, shall be accounted and held to be a legal conviction of the persons accused of giving, selling, or delivering wine, or any other strong drink or liquors to such Indian or Indians, unless the person accused shall acquit himself, upon oath, which the court, in all such cases, are hereby impow[e]red to administer in the form following; viz[t].,—

Form of the oath.

You, A. B., do swear that neither yourself, nor any other by your order, general or particular assent, privity, knowledge or allowance, directly or indirectly, did give, sell or deliver any wine, cyder, rum or other strong liquors or drink, by what name or names soever called or known, unto the Indian by whom and whereof you are now accused. So help you God.

And be it further enacted,

Further method of conviction.

[SECT. 6.] That upon the complaint or information of any other person for the breach of this law, there being such circumstances as render it highly probable, in the judgment of the justice before whom the trial is, that the person complained of is guilty of the breach of the said act; then and in every such case, unless the defendant shall acquit himself upon oath, as aforesaid, to be administred to him by the justice before whom the trial shall be, the same shall be accounted a legal conviction of the defendant's giving, selling, or delivering of wine or other strong liquors, of which he or they shall be accused, and he or they shall pay and suffer the penalty already by this act provided; but in case the defendant shall acquit himself upon oath, to be administred to him as aforesaid, that then he shall recover against the complainant double his cost occasioned by such prosecution.

And be it further enacted,

Accusation of an Indian good, in case.

[SECT. 7.] That upon the accusation of an Indian, or complaint of any other person, to any of his majesty's justices of the peace within this province, against any person for selling, giving or delivering any wine, rum or other strong liquors, to any Indian, contrary to the true intent and meaning of this act, the justice may tender to the person accused or complained of, the aforesaid oath, unless there be such other circumstances concurring as render it highly probable, in the opinion of the justice, that the person accused is guilty, which, if he refuses to take, he shall bind him in a bond of recognizance, not exceeding one hundred pounds, with suret[y][*ies*], to answer the same at the court of general sessions of the peace next to be held in the county where the offence is committed; but if the person accused shall acquit himself upon oath, as aforesaid, the justice shall dismiss the person, and allow him double his cost, against the complainant, occasioned by such prosecution

And be it further enacted,

[Sect. 8.] That, if any person or persons shall hereafter be convicted of false swearing in any case in this act mentioned, he or they shall be liable to the same pains and penalties as is already by law provided against wilful[l] perjury. False swearing punished as perjury.

[Sect. 9.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed January* 30;* *published January* 31, 1761.

CHAPTER 18.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

We, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the publick debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping, hereafter mentioned; and pray that it may be enacted,— Preamble.

And be it accordingly enacted by the Governo[u]*r, Council and House of Representatives*,

[Sect. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-one, to the twenty-sixth day of March, one thousand seven hundred and sixty-two, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz[t].,— Rates of impost.

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of sugar, fourpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, one shilling.

— And so, proportionably, for a greater or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings value: excepting such goods as are the product or manufacture of Great Britain.

[Sect. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize (excepting tea, which shall pay only one shilling), that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of the said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided*, *always*, that every thing which is the growth or produce of the provinces or colonies aforesaid (tobacco and bar-iron excepted), and all provisions, salt, cotton-wool, pig-iron, mahogony, brazilleto, black-walnut, lignum-vit[ee][æ], red-cedar, Double impost to be paid for goods imported by the inhabitants of other colonies. Proviso.

* Signed January 31, according to the record.

logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

And be it further enacted,

Drawback of the whole impost to the importer, in case.

[SECT. 3.] That all goods, wares and merchandize, the property of any of the inhabitants of any of the neighbouring provinces or colonies on this continent, that shall be imported into this province, and shall have paid, or on which there shall have been secured to be paid, the duty of impost by this act provided to be paid, and afterwards shall be exported and landed in any of the said provinces or colonies on this continent, then and in such case the exporter, producing a certificate from some officer of his majesty's customs, that the same has been landed in some of the provinces or colonies aforesaid, shall be allowed a drawback of the whole duty of impost by him paid, or secured to be paid, as by this act provided.

And be it further enacted,

Master of vessels to make report.

[SECT. 4.] That the master of every ship or vessel coming into this province from any other place, shall, within twenty-four hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner aforesaid, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantities of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he will forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

To forfeit, in case of breaking bulk.

[SECT. 5.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[SECT. 6.] That all merchants and other persons being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make an entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz[t].,—

Oath.

You, A. B., do swear that the entry of the goods and merchandize by you now made, exhibits the sterling value of said goods, and that, *bonâ fide*, according to your best skill and judgment, it is not less than that value. So help you God.

Duties to be paid before landing.

—which oath the commissioner or receiver appointed in consequence of this act is hereby impowered and directed to administer; and the owners aforesaid shall pay to the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

[SECT. 7.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on

any wharf, or in any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[Sect. 8.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consign[e]d, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

Commissioner allowed to give credit.

[Sect. 9.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds; which credit shall be so limited as that he shall settle and ballance his accompts with every person, on or before the twenty-sixth day of March, one thousand seven hundred and sixty-two, that the said acco[mp][*un*]ts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand any thing, and not more than sixpence for any other single entry, to what value soever.

And be it further enacted,

Importer by land-carriage or in small vessels, to make report.

[Sect. 10.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fifth day of March, one thousand seven hundred and sixty-one, and until the twenty-sixth day of March, one thousand seven hundred and sixty-two, by land-carriage, or in small vessels and boats, shall make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how, and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put into any store or place whatsoever.

And be it further enacted,

Allowance for leakage.

[Sect. 11.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[Sect. 12.] And if it may be made to appear that any wine imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered, or the duty not paid.

[Sect. 13.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or

persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessel, until he receives a certificate from the commissioner or receiver of impost that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid, or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

Master liable to be sued.

[SECT. 14.] That the commissioner or receiver of the impost in each port, shall be and hereby is impowered to sue the master of any ship or vessel for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entered and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master for the same cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ships, &c., liable to be taken in execution.

[SECT. 15.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not ent[*e*]red as aforesaid, or for which the duty of impost ha[th][*re*] not been paid; and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures, or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutors or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with charges, that shall be recovered against the master thereof, upon such suit to be brought for the same as aforesaid; and the master occasioning such loss or damage unto the owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear

[SECT. 16.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or

vessel, outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid. vessels until impost be paid.

[Sect. 17.] And the commissioner or receiver of impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated. Bills of store to be allowed.

And for the more effectual preventing any wines, rum or other distilled spirits being brought into the province from the neighbouring governments by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost, —

Be it enacted,

[Sect. 18.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impowered and enjoined to appoint one suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are also impowered to search, in all suspected places, for such wines, rum or other distilled spirits or tea brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided. Commissioner to appoint officers in places where wines, rum, &c., may be brought out of other governments.

And be it further enacted,

[Sect. 19.] That the commissioner or his deputies shall have full power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned. Commissioner or deputy empowered to administer the oath, &c.

And be it further enacted,

[Sect. 20.] That if the said commissioner, or his deputy, shall have information of any wines, rum or other distilled spirits, or tea, being brought into and landed in any place in this province, for which the duties aforesaid shall not have been paid after their being brought into or relanded in this government, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said commissioner or his deputy's making oath that he hath had information as aforesaid; and having such warrant[s], and being attended by such officer, the said commissioner or his deputy may, in the daytime, between sunrise and sun-setting, demand admittance of the person owning or occupying such place, and, upon refusal, shall have right to break open such place; and, finding such liquors or tea, may seize and take the same into his own custody; and the commissioner aforesaid, or his deputy, shall be and hereby is impowered to command assistance, and impress carriages necessary to secure the liquors or tea seized as aforesaid; and any persons refusing assistance, or preventing any of the said officers from executing their office, shall forfeit five pounds to the said commissioner; and he or his deputy shall make reasonable satisfaction for the assistance aforesaid, and carriages made use of, to The commissioner or deputy, upon information of any liquors being brought into this province, and the duty not paid, to apply to a justice for a warrant to search, &c.

secure the liquors or tea seized as aforesaid; and the commissioner or his deputy shall then file an information of such seizure in the inferiour court of common pleas for the county wherein such seizure shall be made, which court shall summon the owner of such liquor[s] or tea, or the occupier of such shop, house or warehouse, or distil[l]-house where the same were seized, to appear and shew cause, if any he has, why such liquors or tea so seized shall not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or shall make default, the said liquors or tea shall be adjudged forfeited, and the said court shall order them to be sold at public[k] vendue; and the nett produce of such sale shall be paid, one half to the province treasurer for the use of this province, and the other half to the said commissioner.

And be it further enacted,

Tonnage of shipping.

[SECT. 21.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jers[e]y, Connecticut, New York, New Hampshire and Rhode Island), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the uses and ends aforesaid.

Vessels to be measured, if suspected.

[SECT. 22.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessel, before she shall be cleared, in case she shall appear to be of a greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

Drawback for wine, rum and tea allowed, in case.

[SECT. 23.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which shall have been paid agre[e]able to this act, shall be re-shipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wine or rum or tea shall make oath at the time of shipping, before the receiver of impost or his deputy, that the whole of the wine or rum or tea so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate from some officer of the customs, that the same has been landed out of this government, — or otherwise, in case such rum or wines or tea shall be exported to any place where there is no officer of the customs, or to any foreign port, the master of the vessel in which the same shall be exported shall make oath that the same has been landed out of the government, — and the exporter shall, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines, rum or tea has been relanded in this province, — such exporter shall be allowed a drawback from the receiver of impost as follows; viz[l].,—

For every pipe of wine, nine shillings.

For every hogshead of rum, seven shillings and sixpence.

And for every pound of tea, one shilling.

Provided, always,—

Proviso.

[Sect. 24.] That if, after the shipping of such wines or rum or tea to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wine or rum or tea so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so relanded and brought again into this province shall be forfeited, and may be seized by the commissioner aforesaid or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[Sect. 25.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereto, to receive commission from the governo[u]r or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and tunnage of shipping as aforesaid that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also a particular account of every vessel, so that the duties of impost and tunnage arising on said vessel may appear; and the same to lie open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver and his deputy or deputies, before their entering upon the execution of their said office, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon until one in the afternoon.

[Sect. 26.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

Disposition of forfeitures.

[Sect. 27.] That all penalties, fines and forfeitures accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

Charges of prosecution, how to be paid, in case.

[Sect. 28.] That from and after the commencement of this act, in all causes wherein any claimer shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed and published January 31, 1761.*

CHAPTER 19.

AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS AND BEACHES LYING IN AND ADJOINING ON THE NORTH SIDE OF THE TOWN OF HARWICH, BETWEEN SKEKET HARBOUR, ON THE EAST, AND QUIVET HARBOUR, ON THE WEST.

Preamble. 1749–50, chap. 26.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine to feed upon the beaches, meadows and shores adjoining to the north side of Harwich, lying between Skeket harbour, on the east, and Quivet harbour, on the west, whereby the ground is much broken and damnified and the sand blown on said adjoining meadows and upland, to the great damage not only of sundry private persons in their property, but also to the inhabitants of said town in general,—

Be it enacted by the Governor, Council and House of Representatives,

Penalty for turning creatures on the beaches, &c.

[SECT. 1.] That from and after the publication of this act, no person or persons shall presume to turn any neat cattle, horse-kind, sheep or swine, to or upon any of the beaches, meadows or shores that lie on the north side of the town of Harwich, between Skeket harbour, on the east, and Quivet harbour, on the west, at any time between the first day of April and the last day of October yearly, during the continuance of this act, on penalty of paying for each offence five shillings a head for neat cattle, horses or mares of one year old or upwards, and one shilling a head for each sheep or swine, that shall be turned or found on said beaches, meadows or shores, within the limits aforesaid; which penalty shall be recovered by the selectmen or treasurer of the said town of Harwich, or any other person that shall inform of and sue for the same: the one half of said forfeiture to him or them that shall inform of and sue for the same, the other half to be to and for the use of the poor of said town.

And be it further enacted,

Creatures to be impounded.

[SECT. 2.] That if any neat cattle, horse-kind, sheep or swine, shall, at any time hereafter, be found feeding on the said beaches, meadows or shores that lie between said Skeket harbour and said Quivet harbour, in said Harwich, it shall and may be lawful[l] for any person to impound the same, immediat[e]ly giving notice thereof to the owners, if known, otherwise, to give publick notice thereof by posting the same up in some publick place in said town, and the two next adjoining towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear to redeem his impounded creatures, he shall pay one shilling and sixpence to the impounder, for each neat beast and horse-kind, and sixpence for each sheep and swine, and the reasonable cost[s] of relieving, besides the poundkeeper's fees as by law appointed for such creatures.

To be sold if not redeemed.

And if no owner appear within the space of six days to redeem the said cattle, horse-kind, sheep or swine so impounded, and to pay the cost and damage occasioned by impounding the same, then and in every such case the person impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at publick vendue, and pay the cost and charges arising about the same (publick notice of the time and place of such sale, to be given in the said town of Harwich and in the towns of Eastham and Yarmouth, forty-eight hours beforehand), and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse-kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said over-

plus shall be one half to the party impounding such cattle, horse-kind, sheep or swine, and the other half to the use of the poor of the said town of Harwich.

And be it further enacted,

[Sect. 3.] That the said town of Harwich, at a meeting of said town called for that purpose, or at their meeting in March, annually, for the choice of town-officers, be authorized and impowered to chuse one or more meet person or persons whose duty it shall be to see to the due observance of this act, and to prosecute the breakers thereof, and who shall be sworn to the faithful[l] discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay ten shillings for the use of the poor of said town of Harwich; and upon such refusal, said town, from time to time, to proceed to a new choice of such officer or officers, until one or more person or persons will serve therein. Persons to be chosen to see to the due observance of this act.

Provided,—

[Sect. 4.] That nothing in this act shall be construed to prevent the owner or owners of such beach or meadows, or any improving under them, from turning on their horses they ride, or cattle they improve in their teams, to feed on said beach or meadows while they are cutting or carting their hay off said beach or meadows adjoining. Proviso.

[Sect. 5.] This act to continue and be in force for the space of ten years from the publication thereof, and no longer. [*Passed and published January* 31, 1761. Limitation.

CHAPTER 20.

AN ACT FOR REPEALING THE SEVERAL LAWS NOW IN FORCE, WHICH RELATE TO THE OBSERVATION OF THE LORD'S DAY, AND FOR MAKING MORE EFFECTUAL PROVISION FOR THE DUE OBSERVATION THEREOF.

Whereas, by reason of different constructions of the several laws now in force relating to the observation of the Lord's Day, or Christian sabbath, the said laws have not been duly executed, and, notwithstanding the pious intention of the legislators, the Lord's Day hath been greatly and frequently prophaned; therefore,— Preamble. 1692–93, ch. 22. 1693, ch 9. 1693–94, ch. 20, § 5. 1698, ch. 10, § 4. 1711–12, ch. 6. 1716–17, ch. 13. 1727–28, ch. 5. 1741–42, ch. 7.

Be it enacted by the Governo[u]*r, Council and House of Representatives*,

[Sect. 1.] That the several laws, and the several paragraphs and clauses of all and every the laws of this province, enforcing, or any ways relating to, the due observation of the Lord's Day, so far as they relate thereto, be and hereby are repealed, and declared null and void. Acts and clauses of acts relating to the sabbath, repealed.

And whereas it is the duty of all persons, upon the Lord's Day, carefully to apply themselves, publickly and privately, to religion and piety, the prophanation of the Lord's Day is highly offensive to Almighty God, of evil example, and tends to the grief and disturbance of all pious and religiously disposed persons; therefore, that the prophanation of the said day may be fully prevented,— Preamble.

Be it further enacted,

[Sect. 2.] That no person whatsoever shall keep open their shops, warehouses or workhouses, nor shall, upon the land or water, do, or exercise, any labour, business, or work, of their ordinary calling, nor any sport, game, play or recreation, on the Lord's Day, or any part thereof (works of necessity and charity only excepted), upon pain that every Business and diversions prohibited on the Lord's Day. 9 Allen, 119

person so offending shall forfeit and pay a sum not exceeding twenty shillings, nor less than ten shillings.

And be it further enacted,

Travelling prohibited. 14 Allen, 480, 481, 484.

[SECT. 3.] That no travel[*l*]er, drover, horse-coarser, waggoner, butcher, higler, or any of their servants, shall travel on the Lord's Day, or any part thereof — except, by some adversity, they shall have been belated, and forced to lodge in the woods, wilderness, or highways, the night before (and in such case it shall be lawful to travel no further, on the Lord's Day, than to the next inn or house for entertainment of travellers), upon the penalty of a sum not exceeding twenty shillings, nor less than ten shillings.

And be it further enacted,

Entertainment in public houses prohibited.

[SECT. 4.] That no vintner, retailer of strong liquors, innholder, or other person keeping a house of publick entertainment, shall entertain or suffer any of the inhabitants of the respective towns where they dwell, or others not being travellers, strangers, or lodgers in such houses, to abide or remain in their houses, yards, orchards, or fields, drinking, or spending their time either idly, at play, or doing any secular business, on the Lord's Day, or any part thereof, on penalty of ten shillings, payable by such vintner, innholder, or person keeping such house of entertainment, for each person so entertained or suffered; and every person so drinking or abiding, except as aforesaid, shall forfeit a sum not exceeding ten shillings, nor less than five shillings; and every such licenced person, upon every conviction after the first, shall forfeit twenty shillings, and, having been three times convicted, shall be debarred renewing such his licence ever after.

And be it further enacted,

Unnecessary walking, &c., prohibited.

[SECT. 5.] That if any person or persons shall be recreating, disporting, or unnecessarily walking, or loitering, or if any persons shall unnecessarily assemble themselves, in any of the streets, lanes, wharves, highways, commons, fields, pastures, or orchards, of any town or place within this province, upon the Lord's Day, or any part thereof, every person so offending shall forfeit and pay the sum of five shillings, and, upon every conviction after the first, shall be bound to their good behaviour.

And be it further enacted,

Absence from public worship.

[SECT. 6.] That if any person, being able of body, and not otherwise necessarily prevented, shall, for the space of one month together, absent themselves from the publick worship of God, on the Lord's Day, they shall forfeit and pay the sum of ten shillings.

Provided, always, —

[SECT. 7.] That if, upon trial, it shall appear that any person so charged had good and sufficient excuse for their absence, such person shall be dismissed without costs.

And be it further enacted,

Funerals regulated.

[SECT. 8.] That no sexton, grave-digger, porter, or bearer, shall be assisting at the funeral of any person on the Lord's Day, or any part thereof, and no person shall toll any bell for such funeral, unless licence be given by a justice of peace (and when in any town or district where no justice of the peace dwells, such licence be granted by one or more of the selectmen of the town or district), on penalty of twenty shillings, to be paid by each and every person so offending; and no justice or selectmen shall grant any licence, except in cases of necessity, only, and, being in the town of Boston, with this express proviso: that such person so buried be not carried to the grave until one hour after sunset.

Preamble.

And whereas many persons are of the opinion that the sabbath, or time of religious rest, begins on Saturday evening; therefore, to prevent

all unnecessary disturbance of persons of such opinion, as well as to encourage in all others a due and seasonable preparation for the religious duties of the Lord's Day,—

Be it further enacted,

Business and diversion on Saturday evening.

[Sect. 9.] That no person shall keep open any shop, warehouse, or workhouse, or hawk, or sell, any provisions, or wares, in the streets or lanes of any town or district, or be present at any concert of musick, dancing, or other publick diversion, on the evening next preceeding the Lord's Day, on pain of forfeiting ten shillings for each offence; and no retailer, innholder, or person licenced to keep a publick house, shall entertain, or suffer to remain, or be, in their houses, or yards, or other places appurtenant, any person or persons (travellers, strangers or lodgers excepted), drinking, or spending their time, on the said evening, on penalty of ten shillings for each offence.

And, in order to the more effectual carrying this act into execution, —

Be it further enacted,

Wardens to be appointed.

[Sect. 10.] That each town and district within this province shall, at the time of chusing town and district officers, annually, and every year, chuse certain persons, being of good substance and of sober life and conversation, to be wardens of such town or district; of which officers the town of Boston shall chuse twelve; viz[t]., one for each ward in said town: and every other town or district shall chuse any number, not less than two and not exceeding six; and all such wardens shall be under oath faithfully to do the duty of their office as required by law; and if any person or persons shall refuse or neglect to take such oath, and to serve in such office, every such person, in the town of Boston, shall be liable to the penalty of ten pounds, and, in any other town or district, to the penalty of five pounds; and every town or district shall, forthwith, proceed to the choice of other or others in the room of any person or persons so refusing or neglecting, and so, *toties quoties*.

Penalty for not serving.

[Sect. 11.] And if any person or persons so refusing or neglecting shall not pay to the treasurer of such town or district the fine or penalty aforesaid, he shall, as soon as may be, be convened before the court of sessions for the county, and, upon certificate, under the hand of the town clerk, that such person was legally chosen to the office of warden, unless some just cause shall be made to appear to the said court of sessions to excuse the person so chose from serving, the justices shall order a warrant, to be signed by the clerk of the peace, directed to any constable or constables of such town or district, to levy the said fine, by distress and sale of such offender's goods, returning the overplus, if any there be; and the fine or penalty so levied or paid shall be delivered to the overseers of the poor, or selectmen, for the use of the poor of such town.

Penalty on towns for not choosing.

[Sect. 12.] And if the town of Boston shall neglect the due observance of this act, and shall not chuse, in manner as required, such officers, the said town shall incur the penalty of one hundred pounds; and any other town or district, so neglecting, shall incur the penalty of fifty pounds, upon every conviction of such neglect, before the court of sessions for the county wherein such town or district shall be; to be levied by warrant from the said court, in proportion, upon the inhabitants, as publick charges are levied, and to be paid into the county treasury.

And be it further enacted,

Wardens' duty.

[Sect. 13.] That the persons so chosen, and serving, as wardens, shall be held and obliged to enquire into, observe, and inform of, all offences against this act; and every such warden is hereby authorized and impowered to enter into any of the rooms and other parts of any

inn, or publick house of entertainment, on the Lord's Day and the evening preceeding; and if such entrance shall be refused to any warden, the landlord, or [*the*] licenced person, shall forfeit the sum of forty shillings for each and every offence. And the said wardens are hereby further authorized and impowered, within their respective towns or districts, to examine all persons suspected as unnecessarily travelling on the Lord's Day, and to demand of all such persons the cause thereof, together with their names and places of abode; and if such persons shall refuse to make answer to such demands, or shall not give satisfaction, to such warden or wardens, that they are then employed in travelling upon his majesty's service, or in the immediate service of this government, or shall not give such other reason for their travelling upon the Lord's Day as shall satisfy such wardens of the necessity thereof, such wardens shall return the names of all such persons as they shall know, or can obtain the names of, to one of his majesty's justices of the peace, and such justice shall proceed to tr[*y*][*i*]al of the offence, if the offender shall be within the county; or, otherwise, such warden shall return the names of such persons, and the offence, to the grand jury, for their consideration and proceeding thereon. And if any person shall wilfully give false answer to any such demands of any warden, every person so offending shall forfeit five pounds, for each and every offence; and any two justices of the peace, *quorum unus*, for any county where such person shall be found, shall have full power and authority to enquire into, try and determine such offence.

And be it further enacted,

Duty of wardens in Boston.

[SECT. 14.] That the wardens of the town of Boston shall, upon every Lord's Day (except in times of rain, snow, tempestuous wind or extreme cold), and in such part and parts of the day as they shall judge most proper to prevent the prophanation thereof, go through, or inspect, the streets, lanes, wharves, and other parts, of their respective wards; and any one of said wardens may likewise, as occasion may require, inspect the ward of any other warden; and they are hereby authorized and impowered to demand the names and places of abode of any persons whom they shall suppose or suspect to be unnecessarily abroad, and the cause or reason thereof; and if such person or persons shall not give a satisfactory answer, such warden or wardens shall require them, or either of them, forthwith, to repair to their places of abode or lodging; and if any person shall refuse to give such answer, or shall answer falsely, or shall refuse or neglect, forthwith, to repair, when required, to such their places of abode or lodging, and that by the usual [or] [*and*] most direct streets or ways, the warden shall, upon the next day, or as soon after as may be, make information of such offenders to one of his majesty's justices of the peace for the county; and such justice shall cause such persons to be convened before him, and shall try and determine such offence.

And be it further enacted,

Warden's oath sufficient evidence.

[SECT. 15.] That the oath of any warden shall be deemed full and sufficient evidence, in any trial for any offence against this act, unless, in the judgment of the court or justice, the same shall be invalidated by other evidence that may be produced.

And be it further enacted,

Privilege of wardens.

[SECT. 16.] That no person exempt from serving as a grand-juryman shall be liable to any penalty for not serving as warden, any thing in this act to the contrary notwithstanding; and no person shall be held and obliged to serve in the said office of warden more than once in five years; and no warden, during the year of service, shall be liable to any military duties, except in case of an alarm or invasion, nor shall be liable to serve, during such time, as juror, or in any other office of

burthen. And every warden, when in the execution of his office, shall carry with him a white wand, not less than seven feet in length, as a badge of his office, and may command assistance, when he shall judge it necessary; and any person refusing or neglecting to be so aiding and assisting shall forfeit and pay the sum of forty shillings.

And be it further enacted,

Parents and guardians liable for fine.

[Sect. 17.] That the parents of any children, under age, and the guardians of any minors, and the masters of servants who shall have no parents nor guardians, shall be, respectively, liable for the fines of their children, wards, or servants, who shall be convicted of any offence against this act.

And be it further enacted,

Persons not paying fines subject to imprisonment.

[Sect. 18.] That in case any person that shall be convicted of prophaning the Lord's Day, or Christian sabbath, in any of the instances mentioned in this act, shall not immediately pay the sum or sums by him forfeited, as aforesaid, he shall be punished by being committed to the common goal of the county, there to remain not exceeding ten days, nor less than five days.

And be it further enacted,

Other civil officers to take notice of breaches of this act.

[Sect. 19.] That, notwithstanding the special provision made by this act for preventing the breaches thereof, any justice of peace may, upon inspection, convict any person; and such special provision shall not be construed or understood to exempt any sheriffs, grand-jurors, tithingmen, constables, or other officers, or persons, whatsoever, from any obligation or duty to cause this act to be put in execution; but they shall be held to take due notice of, and prosecute, all breaches thereof, such special provision notwithstanding.

Act to be read at March meeting, annually.

[Sect. 20.] And this act shall be read in every town and district, by the town or district clerk, at the March meeting, every year, and immediately before the choice of wardens; and any town or district clerk neglecting to read the same shall forfeit the sum of twenty shillings. [*Passed and published January* 31, 1761.*

CHAPTER 21.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Sundry laws revived and continued.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; namely, one act made in the fourteenth year of the reign of King George the Second, intit[*u*]led "An Act in further addition to an act for regulating of fences, &c."; one act made in the fifteenth year of said reign, intit[*u*]led "An Act to prevent unnecessary petitions to the great and general court"; one act made in the sixteenth year of said reign, intit[*u*]led "An Act in addition to the several laws of this province relating to the support of poor and indigent persons"; two acts made in the twentieth year of said reign; one intit[*u*]led "An Act to prevent the destruction of the meadow called Sandy-Neck Meadow, in Barnstable, and for the better preservation of the harbour there"; the other, intit[*u*]led "An Act to prevent the destruction of wild fowl"; two acts made in the twenty-second year of said reign; one intit[*u*]led "An Act to prevent damage by fire in the towns of Boston

Fences. 1740–41, ch. 19.

Petitions. 1741–42, ch. 1.

Poor. 1742–43, ch. 18.

Meadow. 1746–47, ch. 28.

Wild fowl. 1747–48, ch. 3.

1748–49, ch. 14.

* The date of publication as endorsed on the engrossment, is January 13; but this was evidently a mistake.

Beach and meadow. 1748–49, ch. 18.

Incendiary letters. 1749–50, ch. 7.

Alewives. 1749–50, ch. 12.

1749–50, ch. 13.

Potash. 1754–55, ch. 26.

1757–58, ch. 10.

Cattle, sheep, &c., not to run at large. 1757–58, ch. 11.

Quakers, &c. 1757–58, ch. 20.

and Charlestown"; the other, intit[*u*]led "An Act to prevent damage being done on the beach in Biddeford, and meadows adjoining to said beach, commonly known by the name of Winter-Harbour Beach"; three acts made in the twenty-third year of said reign; one intit[*u*]led "An Act for the punishing such offenders as shall be any way concerned in contriving, writing or sending any incendiary or menacing letters in order to extort sums of money or other things of value from any of his majesty's good subjects"; one other, intit[*u*]led "An Act to prevent the unnecessary destruction of alewives in the town of Middleborough"; the other, intit[*u*]led "An Act to prevent any persons obstructing the fish in their passing up into Monatiquot River within the town of Braintree"; one act made in the twenty-eighth year of said reign, intit[*u*]led "An Act for appointing assayers of potash and pearlash"; three acts made in the thirty-first year of said reign; one intit[*u*]led "An Act in addition to an act intit[*u*]led 'An Act in addition to the act for providing of pounds, &c.'"; one other, intit[*u*]led "An Act to prevent neat cattle, horses and sheep running at large and feeding on the beaches between Wells and Ogunquit harbours in the town of Wells, and to prevent the mowing of the same"; and the other, intit[*u*]led "An Act further to exempt persons commonly called Quakers and An[*n*]abaptists from paying ministerial taxes": all which acts are expired or near expiring,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Their continuation for ten years from the 30th of January, 1761, to 30th of January, 1771.

That such of the before-mentioned acts as are expired, with all and every article, clause, matter and thing therein respectively contained, be and hereby are revived, and shall be in force from the thirtieth day of January current, and until the thirtieth day of January, one thousand seven hundred and seventy-one, and the others of said acts that are near expiring are hereby continued, and shall be in force until the thirtieth day of January, one thousand seven hundred and seventy-one, and no longer. [*Passed and published January* 31, 1761.

CHAPTER 22.

AN ACT FOR RAISING A FURTHER SUM OF MONEY, BY A LOTTERY OR LOTTERIES, TO COMPLEAT THE REPAIRING THE CAUSEWAY ON THE WESTERLY SIDE OF SUDBURY RIVER, AND FOR BUILDING A BRIDGE OVER SAID RIVER.

Preamble. 1759–60, ch. 10.

WHEREAS the great and general court, at their sessions in October, one thousand seven hundred and fifty-nine, impowered Messieurs John Noyes, Josiah Brown, Joseph Curtis, William Baldwin, Augustus Moore, Reynolds Seager and Capt[ain] Elijah Smith, of Sudbury aforesaid, to raise, by a lottery or lotteries, the sum of eight hundred and twenty-seven pounds, to be applied towards raising said causeway, digging a new canal to King's Pond, across said cause[*se*]y, with three other sluices, and also for raising two other short causeways, on Lancaster road, leading to and near the said long causeway; *and whereas* the greater part of said sum has been accordingly raised, and the same expended for the purposes for which it was raised, so far as it would extend, but, it being insufficient to compleat and finish the same; wherefore, for raising a sum sufficient for finishing the said causeway, digging a new canal to King's Pond, across said causeway, with three other sluices, and also for raising two other short causeways, on Lancaster road, leading to and near the long causeway, —

Be it enacted by the Governo[u]*r, Council and House of Representatives,*

[Sect. 1.] That the said John Noyes, Josiah Brown, Joseph Curtis, William Baldwin, Augustus Moore, Reynolds Seager and Captain Elijah Smith, or any four of them, be and they are hereby allowed to set up and carry on one or more lottery or lotteries, amounting, in the whole, to such a sum as, by deducting ten per cent out of the same, or out of each pri[z][c]e- or benefit-ticket, may raise the sum of four hundred pounds, and no more, to be applied towards finishing and compleating the raising of said causeway, digging a new canal to King's Pond, across said causey, with three other sluices, and also for raising two other short causeways, on Lancaster road, leading to or near the said long causeway, and the necessary charges of managing and prosecuting the lotteries aforesaid; and the said John Noyes, Josiah Brown, Joseph Curtis, William Baldwin, Augustus Moore, Reynold[s] Seager and Captain Elijah Smith, or any four of them, are hereby impow[e]red to make all necessary rules and orders for the regular proceedings therein; and they shall be sworn to the faithful discharge of the trust aforesaid, and shall be answerable to the purchasers and drawers of the tickets for any deficiency or misconduct: and the money thus raised shall be applied to the uses and purposes aforesaid.

Managers appointed.

£400 to be raised, and how to be applied.

And be it further enacted,

[Sect. 2.] That the directors or managers aforesaid shall keep a particular account of the days of their attendance upon the service aforesaid, and, for each day's attendance, shall be allowed the sum of four shillings: *provided* that no more than four of the managers aforesaid shall be intitled to such allowance for one and the same day. [*Passed and pub'ished January* 31, 1761.

Managers' allowance.

Proviso.

CHAPTER 23.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THIRTY THOUSAND POUNDS.

Whereas the provision made by this court, at their session in May last, to defrey the expence of an expedition for the total reduction of Canada, is insufficient for that purpose; *and whereas* this province's proportion of the parliamentary grant to recompence them for their services in the year 1758, is laden on board his majesty's ship Fowey, which is daily expected,—

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirty thousand pounds, part of said monies, be applied by the treasurer and receiver-general, and he is accordingly hereby impowered and directed to apply said sum of thirty thousand pounds, when received into the treasury, for the payment of such dra[f][*ugh*]ts as shall be made on him by the governor, with [*the*] advice of the council, for the payment of the troops of this province, employed in the late expedition, under the command of General Amherst. [*Passed and published January* 31, 1761.

Disposition of part of the parliamentary grant for 1758.

CHAPTER 24.

AN ACT FOR ENQUIRING INTO THE RATEABLE ESTATES OF THIS PROVINCE.

Preamble. 1756–57, chap. 40.

WHEREAS the rateable estates of the several towns and districts in this province are much altered since the last valuation,—

Be it enacted by the Governor, Council and House of Representatives,

Assessors for 1760 to lodge in the secretary's office a list of polls and rateable estates by first of June, 1761.

[SECT. 1.] That the assessors of each town and district within this province, chosen for the year one thousand seven hundred and sixty, shall, on oath, take and lodge in the secretary's office, by the first day of June next, a true and perfect list, according to their best skill and understanding, agre[e]able to a list settled by the general court and recorded in the secretary's office (a printed copy of which list shall be, by the treasurer of the province, sent to the clerk of each town and d[e][*i*]strict therein), containing an account of all male pol[*l*][e]s of sixteen years old and upwards, whether at home or abroad, distinguishing such as are exempt from rates; and of all rateable estate, both real and personal, lying within or adjacent to their respective towns and districts, and by whom occup[y][*i*]ed, and what each person's real estate may rent for by the year, taking one year with another; particularly mentioning dwelling-houses and land, stil[*l*]-houses, warehouses, wharves, grist-mills, fulling-mills, saw-mills, iron-works and furnaces; and what each of said estates may rent for by the year, in the judgment of said assessors, without consideration of repairs; and of all Indian, negro or molatto servants for life, from fourteen to forty-five years of age; and the number of tons of vessel[l]s of every kind, upwards of ten tons' burthen (to be given in, in carpenters tonnage), whether at home or abroad; and each person's whole stock in trade, including all goods, wares and merchandize, by them, of their own property, also including those in their hands by factorage; and money at interest which any person has more than he pays interest for; and also of all horses, oxen, cows, goats, sheep and swine, at the respective ages set in said list; and said assessors, in taking said valuation, shall distinguish the different improvements of land, and return their list in the following manner: the number of acres of pasture, the number of acres of tillage-land, the number of acres of orchard, the number of acres of salt mar[i]sh, and the number of acres of fresh, and English mowing-land; and also what stock each pasture is ordinarily capable of feeding, and what quantity of produce the said tillage, mowing, and orchard, land yearly affords, taking one year with another: *excepting* that the governor, lieut[*enant*]-governor, president, fellows, professors, tutors and students of Harvard College, settled ministers, and gramm[e][*a*]r-school masters, with their families, for their polls, and for their estates in their own actual improvement, shall be exempted out of this act; and said assessors, before they enter on this work, shall take the following oath; viz[1].,—

Assessor's oath.

You, A. B., being chosen an assessor for the town of B., for the year one thousand seven hundred and sixty, do swear that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an assessor, as directed and enjoined by an act of this province made in the present year, intit[*u*]led "An Act for enquiring into the rateable estates of the province," without favo[*u*]r or prejudice. So help you God.

By whom to be administered.

—which oath, in such towns or districts where no justice of the peace dwells, shall be administred by the town or district clerk, who is hereby impow[*e*]red and directed to administer the same, on penalty of ten

pounds; and every assessor who shall have been chosen by any town or district, in the year one thousand seven hundred and sixty, and accepted such choice, that shall refuse to take such oath, shall forfeit and pay the sum of forty pounds; or, taking the same, shall neglect or refuse to do the duty required by this act, or shall anyways act deceitfully therein, shall, for each of these offences, forfeit and pay a fine of fifty pounds.

Penalty for neglect.

[Sect. 2.] And every person not necessarily out of the province; viz[t]., on and from the twentieth day of April next, to the first day of June next (in which cases they shall be doomed by the assessors as is hereafter expressed), refusing or neglecting to give such assessor or assessors, in writing, and on oath (which the assessors respectively are impow[e]red and required to administer), a true account of his rateable estate, improvements and rents, agre[e]able to the true intent of this act, shall be doomed by the assessors according to their best skill and judgment; and shall, for each offence, forfeit and pay the sum of fifty pounds: which oath shall be in the following form; viz[t].,—

Persons to give in lists to the assessors on oath.

You, C. D., do swear that the account now exhibited by you is, to the best of your knowledge and judgment, a full account of all your rateables, agre[e]able to the list now exhibited to you. So help you God.

Form of the oath.

—and every assessor shall be allowed, out of the treasury of his respective town or district, the sum of four shillings for every day he shall be necessarily employed in doing the duty enjo[y][i]ned by this act.

Allowance to the assessors.

And be it further enacted,

[Sect. 3.] That the assessors of each town and district in this province, for the year one thousand seven hundred and sixty, shall, by the abovesaid first day of June next, transmit to the secretary's office a true and perfect copy, on oath, of the list and valuation of estates by which they made the taxes in their particular towns and districts for that year, and also a true copy of the province tax made by such list and valuation; on penalty that each assessor neglecting his duty therein shall forfeit and pay twenty pounds.

Assessors to transmit lists by which they made their rates in 1760.

And be it further enacted,

[Sect. 4.] That if, in any of the towns and districts aforesaid, it so happens that any of the assessors, for the year one thousand seven hundred and sixty, be dead or removed, in that case the remaining part of said assessors shall, and are hereby impow[e]red to, act in all cases touching the valuation aforesaid, as fully as if there had been no such death or removal.

In cases where any of the assessors for 1760 are dead or removed, the remainder to act.

[Sect. 5.] And all fines and forfeitures arising by this act may be recovered by action or information, in any of his majesty's courts within this province proper to try the same; and shall be applied, one third, to him or them that shall inform or sue for the same, and the other two thirds, to his majesty to and for the use of this government.

Fines, how to be recovered and applied.

And whereas it may happen that some rateable estate, by shifting hands, may be liable to be given in twice to the assessors, or not given in at all,—

Be it further enacted,

[Sect. 6.] That every person in each town and district within this province, in giving in to the assessors a list of his rateables, shall estimate such rateable estate, agre[e]able to this act, as he is possessed of on the twentieth day of April next. [*Passed and published January* 31, 1761.

Ratable estate to be estimated as on the 20th of April, 1761.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-FIFTH DAY OF MARCH, A. D. 1761.

CHAPTER 25.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED IN THE THIRTY-THIRD YEAR OF HIS LATE MAJESTY KING GEORGE THE SECOND, INTIT[U]LED "AN ACT FOR ERECTING AND ESTABLISHING TWO NEW COUNTIES IN THE EASTERLY PART OF THE COUNTY OF YORK."

Preamble. 1760-61, chap. 7, § 7.

WHEREAS, in and by an act made and passed in the thirty-third year of the reign of his late majesty King George the Second, intit[u]led "An Act for erecting and establishing two new counties in the easterly part of the county of York," it is, among other things, enacted and provided as follows; viz[t]., that "all appeals from any judgment or judgments given at any court of general sessions, and at any inferior court of common pleas, within the said county of Lincoln, shall be heard and tried at the superior court of judicature to be held, yearly, at Falmouth, as aforesaid;" *and whereas* the said provision is insufficient to give jurisdiction to the said superior court, held at Falmouth, in other matter[s] and things necessary to be tried and determined by said court,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Superior court at Falmouth to have jurisdiction in certain cases.

[SECT. 1.] That the superior court of judicature, court of assize, and general goal delivery, to be held at Falmouth in and for the county of Cumberland, shall have, from time to time, and at all times hereafter, the same jurisdiction, power and authority for the trial of all actions, civil or criminal, the cause whereof has arisen, or shall arise, within the body of the county of Lincoln, as also to hear and determine all other matters and things arisen, or which shall arise, within the body of the said county of Lincoln, as the said superior court, by law, would have if the cause of such actions, and such matters and things, had arisen within the body of the said county of Cumberland.

And be it further enacted,

Jurors to be summoned.

[SECT. 2.] That the grand jurors and petit jurors serving at the superior court of judicature, court of assize, and general goal delivery, to be holden at Falmouth, shall, from time to time, be chosen and summoned, in such manner as the law directs for the choice and summons of grand and petit jurors, out of the several towns within the said counties of Cumberland and Lincoln.

Preamble.

And whereas the selectmen of several towns within the said counties of Cumberland and Lincoln may have neglected, or omitted, preparing a list of persons liable to serve on the petit jury, before the tenth day of April, 1760, in manner as the law directs,—

Be it therefore further enacted,

Selectmen to

[SECT. 3.] That the selectmen of every town and district, within

the said counties of Cumberland and Lincoln, so neglecting or omitting, shall, some time in the month of April this present year, take a list of such persons as are qualified and liable, by law, within such towns and districts, respectively, to serve on petit juries, to be laid before such respective towns and districts sometime before the first Tuesday of May next following, at a publick town-meeting; and such towns and districts shall proceed to determine upon said lists in like manner as such towns or districts might and would have done, by law, if such list[s] had been prepared and presented before the said tenth day of April, 1760; any law, usage or custom to the contrary notwithstanding. take lists.

And be it further enacted,

[SECT. 4.] That the justices of the courts of general sessions of the peace for the aforesaid counties of Cumberland and Lincoln, shall be and they hereby are impowered to grant licences to, and to take recognizances from, innholders and retailers of strong drink, within the respective counties, at the next courts of general sessions to be holden for such count[y][*ie*]s, respectively; suc[c]h licen[s][*c*]es to continue until the first courts of general sessions which shall be held and kept in course, for such count[y][*ie*]s, respectively, next after the twenty-ninth day of June, which shall be in the year 1762; any law, usage or custom to the contrary notwithstanding. [*Passed April* 14; *published April* 21, 1761. Justices, &c., to grant licenses.

CHAPTER 26.

AN ACT FOR RAISING A SUM OF MONEY BY LOTTERY, FOR REPAIRING FAN[EU][*UE*]IL HALL IN BOSTON.

WHEREAS the town of Boston, by a petition presented by their selectmen, have represented to this court that, in the providence of God, Faneuil Hall having been consumed by fire, the inhabitants of said town labour under great inconveniency in want of a suitable place for transacting the publick business of said town, and find it necessary to rebuild and repair the said hall not only to accommodate themselves, as soon as may be, but also that they may not lose the benefit of the walls yet standing; and do, by said selectmen, humbly move that this court would enable some suitable persons to raise a sufficient sum by way of lottery, for that purpose,— Preamble.

Be it enacted by the Governo[u]*r, Council and House of Representatives*,

[SECT. 1.] That Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis, or any two of them, be and hereby are allowed and impowered to set up and carry on a lottery or lotteries, amounting to such a sum, as, by drawing ten per cent out of each prize, or out of the whole, may raise a sum of two thousand pounds, and no more; and that the said sum be applied by them, or the major part of them, to the rebuilding the said Faneuil Hall and the market under the same: *saving* so much of said sum as shall be sufficient to defrey the necessary charges of the lottery or lotteries aforesaid. Managers appointed for Faneuil-Hall lottery.

[SECT. 2.] And the said Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis, or any two of them, are hereby appointed managers and directors of the said lottery or lotteries, and shall be sworn to the faithful discharge of their trust; and they are hereby impowered to make all necessary rules, and use all necessary methods, to manage

and direct the same, until the whole shall be compleated and finished; and the managers, or any two of them, shall cause publick notifications to be given of the time and place of drawing each lottery or lotteries, that all adventurers may be present thereat: *provided*, *nevertheless*, no lottery shall be set up in consequence of this act 'till after eighteen months are expired from the first day of May next.

Proviso.

And be it further enacted,

Town empowered to take tickets.

[SECT. 3.] That, if the whole number of tickets in any lottery shall not be sold in six months after the publication of the scheme, it shall be lawful for the town of Boston, by vote, to take the tickets remaining unsold, to their own account: *provided* they raise, by tax, a sum of money sufficient to pay for the said tickets remaining unsold, as aforesaid, in two months from such vote; and if the said town shall vote not to purchase the said remaining tickets, or the said sum is not raised, and the tickets cannot otherwise be sold, the said managers shall return to the adventurers the money paid for the tickets, and the charges arisen shall be borne by the said town of Boston.

And be it further enacted,

Allowance to the managers.

[SECT. 4.] That the managers aforesaid shall be allowed the sum of six shillings per day, and no more, for each day they are employed in the service aforesaid; and they are hereby directed to present the account of such their charges before the said town, at some publick meeting, and the same, being by them allowed, to be paid out of the money to be raised by this act.

[SECT. 5.] And the said managers are hereby appointed judges in any dispute touching the property of any benefit-tickets; and the said managers shall give publick notice, as soon as may be, of the prizes, and shall pay off such prizes in twenty days after such notice.

Provided, *nevertheless*,—

Benefit-tickets not claimed in a year, to be added to the stock.

[SECT. 6.] No benefit-tickets not claimed in twelve months after the drawing of any lottery, and publick notice of the prizes drawn being given, shall be thereafter paid, unless the owner of such ticket was beyond sea at the time of such notice, and had no lawful attorney in this province: such owners shall be allowed eighteen months after drawing, to claim in; and all the prizes finally not claimed as aforesaid, shall sink into the said stock, and be applied to the same purposes as the surplusage is, hereinafter appropriated.

Penalty for forging tickets.

[SECT. 7.] And if any person shall forge or alter any of the tickets in any lottery to be raised and formed by virtue of this act, and be thereof convicted, they shall be punished by fine, imprisonment, or by setting in the pillory, or whipping, according to the aggravation of the said offence.

And be it further enacted,

Surplusage, how to be applied.

[SECT. 8.] That if the sum raised by this act shall be more than sufficient to rebuild the said Faneuil Hall, and the market under the same, and pay the charges aforesaid, the said surplusage shall be applied for further keeping the said building in repair. [*Passed April* 18; *published April* 21, 1761.

CHAPTER 27.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF FORTY THOUSAND AND FIVE HUNDRED POUNDS.

Preamble.

WHEREAS the great and general court, at their present session, have voted that there be raised, within this government, three thousand men, to be put under the command of General Amherst, to supply such part of the regular forces, in North America, as shall be drawn out of the several forts and garrisons to be employed in some important enterprize; *and whereas* the additional provision made by this court, at their last session, to defrey the charges incurred by the expedition in the year one thousand seven hundred and sixty, is insufficient to pay off the officers and soldiers employed in said service; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Treasurer to pay out £40,500, part of the parliamentary grant.

That the treasurer be and he hereby is directed and impowered to pay the sum of forty thousand and five hundred pounds, out of the publick treasury, being part of the parliamentary grant received by his majesty's ship the Fowey, to recompence this province for their services in the year one thousand seven hundred and fifty-eight; the monies to be drawn for by warrant from the governor, with advice of his majesty's council, agreeable to the following appropriations; that is to say, the sum of twelve thousand pounds, part of the sum of forty thousand and five hundred pounds, to be drawn upon the appropriation for the invasion in the year one thousand seven hundred and sixty, to pay off the officers and soldiers, sick and wounded; the sum of two thousand pounds, part of the aforesaid sum of forty thousand and five hundred pounds, to be drawn upon the appropriation for carrying on the truck trade with the Indians, according to the votes that have been, or shall hereafter be, passed by this court; the sum of seven hundred pounds, part of the aforesaid sum of forty thousand and five hundred pounds, to be drawn upon the appropriation for the payment of the allowance to the officers, for inlisting of men, and to the colonels of the militia, and to such other persons as may be employed by the governor, in paying the bounty; and the sum of twenty-five thousand and eight hundred pounds, the remaining part of the aforesaid sum of forty thousand and five hundred pounds, to be drawn upon the appropriation for bounty for three thousand men: and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts after payment thereof. [*Passed April* 18; *published April* 21, 1761.

CHAPTER 28.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THIS PRESENT YEAR, INTITULED "AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS AND BEACHES LYING IN AND ADJOINING TO THE NORTH SIDE OF THE TOWN OF HARWICH, BETWEEN SKEKET HARBOUR, ON THE EAST, AND QUIVET HARBOUR, ON THE WEST."

Be it enacted by the Governor, Council and House of Representatives,

Eastham and Harwich directed to keep

[SECT. 1.] That the town of Eastham, in conjunction with the proprietors of the meadows and sedgeground lying to the eastward of

up fence or watch. 1760-61, chap. 19.

the westernmost point of rocks in said Harwich, shall make and keep up a two-rail fence, during the continuance of this act, on or near the place, as usual, on the east side of Great Skeket harbour — beginning at the land lately of Nathanael Freeman, Esq., deceased, and thence, extending, northerly, on the flatts or sedgeground, near half a mile, — or keep a watch, as the proprietors of each town shall agree.

Provided,—

Proviso.

[SECT. 2.] That if, at any time, any neat cattle, horses, sheep or swine, shall be found on any of the said meadows or beaches within the town of Harwich, which went through that part of the fence alotted to the town of Harwich to erect and maintain, or at the time when the said town of Harwich should keep a watch, that in such case it shall not be lawful to impound any of the creatures belonging to the said town of Eastham.

Continuance.

[SECT. 3.] This act to continue and be in force for the space of three years from the first day of May, this present year, and no longer. [*Passed April* 18; *published April* 21, 1761.

CHAPTER 29.

AN ACT IN ADDITION TO, AND FOR AMENDING SOME CLAUSES IN, AN ACT MADE AND PASSED IN THE LAST SESSION OF THIS COURT, INTITULED "AN ACT FOR REPEALING THE SEVERAL LAWS IN FORCE, WHICH RELATE TO THE OBSERVATION OF THE LORD'S DAY, AND FOR MAKING MORE EFFECTUAL PROVISION FOR THE OBSERVATION THEREOF."

Preamble. 1760-61, chap. 20, § 13. 13 Mass. 333.

WHEREAS, in and by the said act, the wardens thereby directed to be chosen are authorized and impowered, within their respective towns and districts, to examine all persons they shall suspect as unnecessarily travelling on the Lord's Day, and to demand of all such persons the cause thereof, together with their names and places of abode; but no power is, in said act, specially given to those wardens to stop such travelling persons, in order for such examination; whereby the good intent of that act may be easily evaded, and such examination rendered impracticable: wherefore,—

Be it enacted by the Governor, Council and House of Representatives,

Wardens empowered.

[SECT. 1.] That it shall be in the power of each and every warden and wardens that have already been chosen, or that may hereafter be chosen, in consequence of said act, either by himself, or with such assistance as he shall judge needful to take or call to his aid, forceably to stop, and detain, any person or persons he shall suspect of unnecessarily travelling as aforesaid, for and during such space of time as shall be necessary for demanding the cause or reason of such person's travelling, his name, and place of abode, and receiving the answers to such demands; and every person examined by any warden or wardens, in consequence of this or the foregoing act, that shall refuse or neglect to give direct answers, shall, on conviction of such his refusal or neglect, forfeit and pay the sum of five pounds, and may be prosecuted and tr[y][i]ed in the same manner as is already provided in said act for giving a false answer. And every person who shall be required to assist and give aid to any warden, that shall refuse or neglect so to do, shall, for every such offence, forfeit and pay the sum of forty shillings: *unless* such person or persons so refusing or neglecting shall make

Penalty on offenders.

reasonable excuses, to the acceptance of the court or justice before whom they shall be tried.

And be it further enacted,

Justices to try, in certain cases.

[SECT. 2.] That all offences against this or the before-mentioned act, may be heard and determined before any of his majesty's justices of the peace, in their respective counties, where the fine does not exceed the sum of forty shillings.

Disposal of fines.

[SECT. 3.] All fines and forfeitures arising by this or by the before-mentioned act, and not therein otherwise disposed of, shall be appl[y][*i*]ed towards the support of the poor in the town or district where the offence shall be committed. [*Passed April* 18; *published April* 21, 1761.

CHAPTER 30.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED IN THE LAST SESSION OF THIS COURT, INTIT[*U*]LED "AN ACT FOR ENQUIRING INTO THE RATEABLE ESTATES OF THIS PROVINCE."

Preamble. 1760-61, chap. 24.

WHEREAS, in and by the said act, the time set for giving in to the assessors an account of the rateable estates, improvements, and rents, any person is possessed of, as in and by said act is provided, is the first day of June next, and no person can, by said act, be doomed by the assessors, who shall neglect or refuse to give in such account until that date is expired, which may introduce great difficulty, and unnecessary loss of time, in compleating this affair; for remedy of which,—

Be it enacted by the Governor, Council and House of Representatives,

Time for giving in to the assessors an account of ratable estates, &c., limited to the twentieth day of May next.

[SECT. 1.] That the time for giving in to the assessors such an account of the rateable estates, improvements, and rents, as in the aforesaid act is provided, shall be and hereby is limited to the twentieth day of May next; and every person required, by said act, to give in such account, that shall refuse or neglect to do it at or before the said twentieth day of May, may be immediately doomed by the assessors, and shall, also, be liable to the same fines and forfeitures, for such refusal or neglect, as is provided, by the said act, for not giving in such account by the first day of June; any thing in said act to the contrary notwithstanding.

Preamble.

And whereas it is provided, by said act, that all persons shall give in to the assessors an account of the rents of such their estates as are not under their actual improvement, and are rented out, but no column is provided, in the printed lists referred to in said act, for entering such rents,—

Be it therefore further enacted,

Column to be added to the printed lists.

[SECT. 2.] That it shall be in the power of the assessors, in the respective towns within this province, who are, by law, to take the account of such rents, and they are hereby directed, to add to the said printed lists a column wherein to enter such rents, before the oath is administred to any person giving in their account as abovesaid.

Preamble.

And whereas there may be persons in one town or county, owning and improving real or personal estate in another town or county, for whom it will be very inconvenient to exhibit their lists of such estate to the assessors of the town or district wherein such estate lies,—

Be it enacted,

Persons not obliged to appear before

[SECT. 3.] That the persons aforesaid shall not be obliged to appear before such assessors, but shall be and hereby are allowed to

assessors, *provided.* transmit their lists to said assessors: *provided* that such lists shall be sworn to before some justice of the peace, and shall be delivered to such assessors on or before the aforesaid twentieth day of May next.

Preamble. *And whereas* it is further provided, in said act, that each person's whole stock in trade shall be given in to the assessors, and some doubt hath arisen whether book-debts, and money not at interest, is intended thereby; for the resolving of which doubt,—

Be it enacted,

Doubt resolved. [SECT. 4.] That book-debts, and money not at interest, are not intended by the words "trading stock," in said act. [*Passed April* 18; *published April* 21, 1761.

CHAPTER 31.

AN ACT TO PREVENT THE DESTRUCTION OF SHEEP, BY HUNTING WITH UNRULY DOGS, IN THE TOWNS OF PLYMOUTH AND SANDWICH.

Preamble. WHEREAS great numbers of sheep and lambs have, of late years, been worried, wounded and destroyed in the towns of Plymouth and Sandwich, in the counties of Plymouth and Barnstable, to the great loss and damage of the owners, supposed to be occasioned principally by hunting, there practiced, with blood-hounds, and other mischievous dogs, at that season of the year wherein sheep do usually feed in the woods; *and whereas* application has been made to this court for remedy against the aforesaid mischiefs and inconveniencies,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Hunting with dogs, in Plymouth and Sandwich, prohibited. [SECT. 1.] That, from and after the first day of May next, during the continuance of this act, no person, whosoever, may presume to use or exercise hunting with any dog or dogs, hound or hounds, within the limits of the said towns of Plymouth and Sandwich, at any time of the year; and each and every person who shall be convicted of any violation of this act, before any justice of the peace in the same counties, shall, for the first offence, forfeit and pay the sum of twenty shillings,

Penalty. and for the second, and every after, offence, the sum of forty shillings, —one moiety thereof to be to the informer, and the other moiety to the use of the poor of the town where such offence shall be committed, —and shall be further liable to pay reasonable damages to the person or persons whose sheep or lambs may be torn or destroyed thereby.

[SECT. 2.] And in case such offence be committed by any apprentice, or person under age, not having of their own to satisfy the law, and their parents or masters refuse or neglect to pay the fine imposed, the justice before whom the conviction shall be, may commit such offender to the common goal, of the county where the offence was committed and the cause was heard and tried, there to remain until the same shall be paid; and the party injured shall have his remedy, at law, to recover his damages of the parent or master of such child or apprentice, upon action brought for the same.

Continuance of the act. [SECT. 3.] This act to continue and be in force from the first day of May next, to the first day of May, *anno Domini* one thousand seven hundred and sixty-two, and from thence to the end of the then next session of the general court, and no longer. [*Passed and published April* 21, 1761.

CHAPTER 32.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED IN THE THIRTY-THIRD YEAR OF THE REIGN OF HIS MAJESTY KING GEORGE THE SECOND, INTITULED "AN ACT FOR THE BETTER REGULATING THAT PART OF THE TOWN OF BOSTON WHICH WAS LAID WASTE BY THE LATE FIRE, AND FOR PREVENTING FIRE IN THAT TOWN FOR THE FUTURE."

Preamble. 1760-61, chap. 9, § 1. 130 Mass. 321.

Whereas in and by an act intituled "An Act for the better rebuilding that part of the town of Boston which was laid waste by the late fire, and for preventing fire in that town for the future," it is, among other things, enacted that the proceedings of the committee, appointed by this court, for the regulating the streets in that part of the town which was so laid waste, should be confirmed; but inasmuch as it is judged more convenient, and less expensive to the town of Boston, that Leverett's Street and Purchase Street should be alter'd and laid out in manner as hereafter is described,—

Be it therefore enacted by his Excellency the Governor, Council and House of Representatives,

Leverett Street.

[Sect. 1.] That the street that has been determined to be laid out between Water Street and Milk Street, in the direction of Leverett Street, shall begin on the west side, at a point, on the southerly side of Water Street, ranging with the northerly end of Capt. James Dalton's house, at the distance of fifty-two feet from the north-east corner of said house, toward the east, and, from said point, to run to Milk Street, on a strait line, so as that said line, being continued across Milk Street, shall strike the north-east corner of Mr. Wheelwright's brick house, now in the occupation of Benjamin Faneuil, junr.; which last-mentioned house is bounded northerly, on Milk Street, and easterly, on Atkinson Street: the east side of said new street to be parallel with the line before described, and to be, in all parts, thirty-five feet distant therefrom. And as to Purchase Street; viz., the northerly end thereof, which opens into Batterymarch Street, it shall run as follows; viz., the westerly side of said Purchase Street to begin on the southerly side of Batterymarch Street, at a point seventy feet and three inches distant from the north-easterly corner of the distill-house of Jacob Wendell, Esq., towards the east, and, from said point, to run southerly, on a strait line, to the north-easterly corner of Alexander Hunt's dwelling-house; which is as far as the late great fire extended in that quarter: and the easterly side of said Purchase Street to be parallel with the westerly side, at thirty feet distance: any thing in the aforesaid act, made in the thirty-third year of his late majesty, to the contrary notwithstanding. And the damages and advantages that may accrue to any person or persons, by laying said streets as aforesaid, shall be estimated by the jury impannalled, for that purpose, agreeable to the directions of the act last mentioned.

Purchase Street.

Preamble.

And whereas some of the jury lately summoned for the purposes in said act mentioned, may be unavoidably absent, and it may be doubted whether the commissioners named in said act are, by virture of that act, authorized to fill up the said jury; now, to remedy that inconvenience, and prevent any further delay,—

Be it further enacted,

Commissioners to fill up the jury.

[Sect. 2.] That when and so often as a jury shall be summoned by Samuel Danforth, Samuel Watts and Joseph Williams, Esqrs., the commissioners aforementioned, for the purposes in said act mentioned, and one or more of the said jury shall be detained by sickness,

or otherwise unavoidably hindered attending upon the business for which they were summoned, it shall be lawful for the said commissioners, or any two of them, to fill up and compleat the said jury with other persons, not being inhabitants of the town of Boston. [*Passed April* 21, 1761.

CHAPTER 33.

AN ACT FOR DIVIDING THE COUNTY OF HAMPSHIRE, AND FOR ERECTING AND ESTABLISHING A NEW COUNTY IN THE WESTERLY PART OF THE COUNTY OF HAMPSHIRE, TO BE CALLED THE COUNTY OF BERKSHIRE, AND FOR ESTABLISHING COURTS OF JUSTICE WITHIN THE SAME.

Preamble. 9 Gray, 512.

WHEREAS the great extent of the county of Hampshire makes it convenient, and necessary, that there should be a new county erected and established in the westerly part thereof,—

Be it therefore enacted by the Governo[u]*r, Council and House of Representatives*,

Lands comprised in the county of Berkshire.

[SECT. 1.] That the towns and plantations hereinafter mentioned; that is to say, Sheffield, Stockbridge, Egremont, New Marlborough, Poontoosuck, New Framingham, West Hoosuck, Number One, Number Three, and Number Four, and all other lands included in the following limits; viz[t]., beginning at the western line of Granvill, where it touches Connecticut line, to run, northerly, as far as said west line of Granvill runs; thence, easterly, to the south-west corner of Blan[*d*]ford, and to run, by the west line of the same town, to the north-west corner thereof; from thence, northerly, in a direct line, to the south-east corner of Number Four, and so run[*n*]ing by the easterly line of said Number Four, to the north-east corner thereof; and thence, in a direct course, to the south-west corner of Charlemont; and so, northerly, in the course of the west line of the same town, 'till it comes to the north bound of the province; and northerly, on the line between this province and the province of New Hampshire, southerly, on Connecticut line, and on the west, by the utmost limits of this province, — shall, from and after the thirtieth day of June, one thousand seven hundred and sixty-one, be and remain one intire and distinct county, by the name of Berkshire, of which Sheffield for the present to be the county or shire town; and the said county to have, use, and enjoy, all such powers, priviledges and immunities as, by law, other counties in this province have and do enjoy.

And be it further enacted,

Inferior courts, &c., where and when to be held.

[SECT. 2.] That there shall be held and kept within the said county of Berkshire, yearly, and in every year, at the times and places in this act hereafter expressed, a court of general sessions of the peace, and an inferiour court of common pleas; viz[t]., at the north parish in Sheffield, on the last Tuesday of April, and first Tuesday of September, and at Poontoosuck, on the first Tuesday of December, and the first Tuesday of March, yearly, and in every year, until this court shall otherwise order. And the justices of the said court of general sessions of the peace, and inferiour court of common pleas, respectively, who are or shall be thereunto lawfully commissioned and appointed, shall have, hold, use, exercise, and enjoy, all and singular, the powers which are, by law, already given and granted unto them within any other counties of the province where a court of general sessions of the peace, and inferiour court of common pleas, are already established; and the inhabitants of said county of Berkshire shall have, use, exercise, and enjoy, all such

powers, priviledges and immunities as, by law, the inhabitants of any other county within this province have, use, exercise and enjoy.

Saving, only,—

Saving.

[Sect. 3.] That all appeals from any judgment or judgments given at any court of general sessions of the peace, and at any inferiour court of common pleas, within the said county of Berkshire, shall be heard and tried at the superiour court of judicature, to be held yearly in the county of Hampshire.

And be it further enacted,

Superior court to be held in Hampshire.

[Sect. 4.] That the superiour court of judicature, court of assize and general goal delivery, to be held in and for the county of Hampshire, shall have, from time to time, and at all times hereafter, until the further order of this court, the same jurisdiction, power and authority for the trial of all actions, civil or criminal, the cause whereof has arisen, or shall arise, within the body of the county of Berkshire, as also to hear and determine all other matters and things arisen, or which shall arise, within the body of the said county of Berkshire, as the said superiour court, by law, would have if the cause of such actions, and such matters and things, had arisen within the body of the county of Hampshire.

And be it further enacted,

Jurors, whence to be taken.

[Sect. 5.] That the grand jurors, and petit jurors, serving at the superiour court of judicature, court of assize and general goal delivery, to be holden within and for the county of Hampshire, shall, from time to time, be chosen and summoned, in such manner as the law directs for the choice and summons of grand and petit jurors, out of the several towns within the said counties of Hampshire and Berkshire.

Provided,—

Proviso.

[Sect. 6.] That all writs, suits, plaints, processes, appeals, reviews, recognizances or any other matters and things which now are, or at any time before the said thirtieth day of June shall be, depending in the law, within any part of the said county of Berkshire, and also all matters and things which now are, or at any time before said thirtieth day of June shall be, depending before the judge of probate within any part of the said county of Berkshire, shall be heard, tried, proceeded upon and determined upon in the county of Hampshire, where the same are or shall be returnable, or depending, or shall have day, or days.

Provided, also,—

Proviso.

[Sect. 7.] That nothing in this act contained shall be construed to disannul, defeat, or make void, any deeds or conveyances of lands lying in the said county of Berkshire, where the same are, or shall be, before the said thirtieth day of June, recorded in the register's office for the county of Hampshire, but that all such deeds or conveyances, so recorded, shall be held good and valid as they would have been had not this act been made.

And be it further enacted,

Register of deeds to be appointed.

[Sect. 8.] That the justices of the court of general sessions of the peace, at their first meeting in the said county of Berkshire, shall have full power and authority to appoint some meet person, within the said county of Berkshire, to be register of deeds and conveyances within the same, who shall be sworn to the faithful discharge of his trust in the said office, and shall continue to hold and exercise the same, according to the directions of the law, until some person be elected by the freeholders of the said county of Berkshire, who are hereby impowered to chuse such person, at their first March meeting within their respective towns and districts, in the method already, by law, prescribed; which person, taking upon him that trust, shall be sworn to the faithful discharge thereof. And the office of register of deeds shall be kept

in the north parish of Sheffield, aforesaid; and until such register shall be appointed by the said justices, and sworn, all deeds and conveyances of lands lying within any part of said county of Berkshire, being recorded in the register's office in the county of Hampshire aforesaid, shall be held good and valid, to all intents and purposes, so far as relates to the record of them.

And be it further enacted,

Rules for proceedings as in other cases.

[SECT. 9.] That the method and proceedings directed to by law for chusing a register of deeds and conveyances, and the county treasurer (which last-mentioned officer shall be chosen and appointed, in manner as the law direct[s], at the next March meeting of the freeholders aforesaid), also for the bringing forward and trying any actions, causes, pleas or suits, both civil and criminal, in the several counties of this province, and courts of judicature within the same, and for chusing jurors to serve at the several courts of justice, shall be observed and put in practice, within the said county of Berkshire, and by the courts of justice within the same.

Provided, always,—

Proviso.

[SECT. 10.] That the inhabitants of the several towns and places hereinbefore enumerated and set off a distinct county, shall pay their proportion to any county rates or taxes already made and granted, in the same manner as they would have done had not this act been made. [*Passed and published April* 21, 1761.

CHAPTER 34.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED PONTOOSUCK, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF PITTSFIELD.

Preamble.

WHEREAS it hath been represented to this court that the erecting the plantation called Pontoosuck, into a township, will greatly contribute to the growth thereof, and remedy many inconveniencies to which the inhabitants and proprietors may be otherwise subjected,—

Be it enacted by the Governor, Council and House of Representatives,

Bounds of the town.

[SECT. 1.] That the plantation aforesaid, bounded as follows; viz[t]., north, on New Framingham, so called; east, partly on Ashuelot equivalent, and partly on unappropriated lands; south and west, on unappropriated lands; — be and hereby is erected into a town by the name of Pittsfield; and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do enjoy.

Saving,—

[SECT. 2.] That the said town shall not have liberty to send a representative to the general court, until the general election in May, 1763.

And be it further enacted,

Town meeting to be warned.

[SECT. 3.] That William Williams, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town, to notify and warn the inhabitants in said town, qualified by law to vote in town affairs, to meet, at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required, by law, to manage the affairs of said town.

Provided, nevertheless,—

Proviso.

[SECT. 4.] That no inhabitant of said town, or proprietor in the same, excepting the original sixty settling proprietors, or those who

hold under them, shall be obliged to pay any part or proportion of the charge towards building a meeting-house, settling the first minister, and the other charges within said town, which the said original proprietors were obliged to perform, either according to the tenor of their grant, or to any agreements already made by or among themselves.

And be it further enacted,

[SECT. 5.] That all assessments of rates and taxes agreed upon by said original proprietors shall be in full force, and may be levied and collected, in like manner as if this act had not been made. [*Passed April* 21; *published April* 22, 1761. Assessments to be in full force.

CHAPTER 35.

AN ACT FOR PREVENTING THE STEALING AND CLANDESTINELY CONVEYING SHEEP AWAY FROM THE ISLAND OF MARTHA'S VINEYARD IN DUKES COUNTY.

Be it enacted by the Governo[u]*r, Council and House of Representatives*,

[SECT. 1.] That in every town on the island of Martha's Vineyard, in Dukes County, there shall be some meet person, some time in May next, chosen to inspect all such sheep as shall be there purchased to be transported off from said island, which person shall be sworn to the faithful discharge of said office; and no person or persons, whatsoever, who shall, after the tenth day of June next, purchase any sheep on the said island of Martha's Vineyard in order to transport them from thence to any other place, shall presume to carry them off in any vessel or boat, whatsoever, before he or they shall have presented them to, and caused them to be viewed by, the inspector for the town from whence they are to be transported, and shall have shewn to such inspector a certificate, under the hand of each and every person of whom they shall have purchased said sheep, declaring the number and particular mark or marks of all sheep by them sold to such person or persons transporting them as aforesaid. Inspectors of sheep to be chosen in Martha's Vineyard.

[SECT. 2.] And such inspector is hereby authorized to make a fair entry, in a book to be kept for that purpose, of the said number and marks of such sheep, with the Christian and sirname, occupation and dwelling-place, as well of the person or persons of whom the same were last bought, as of the present owners or shippers, and also of the master of the vessel or boat in which they are designed to be transported; and shall deliver a certificate, under his hand, of such entry by him made, unto the shipper, directed to the master of such vessel or boat, by name: for which entry and certificate the said inspector shall demand and receive of the purchaser the sum of one shilling for every score of sheep therein mentioned, and so in proportion for a greater or less number. Inspector's duty.

And be it further enacted,

[SECT. 3.] That if any person or persons shall, after the publication of this act, presume to ship or transport, from the aforesaid island, any sheep which have not been first viewed and ent[e]red as aforesaid, or if the master or commander of any vessel or boat shall receive, take, or suffer to be received or taken, any sheep, on board the vessel or boat under his command, in order to transport them from off said island, without such certificate as aforesaid, or any other sheep than what agree with the description therein given, every shipper or master so Penalty for taking off sheep without inspection.

offending shall forfeit and pay, for each and every sheep by him so received or taken on board his said vessel or boat, the sum of twenty shillings; one moiety thereof to be to the use of the poor of the town where the offence is committed, and the other moiety to him or them who shall inform and sue for the same, by action, bill, plaint, information, or presentment of the grand jurors, in any of his majesty's courts, within this province, before whom the same may be cognizable; any law, usage or custom to the contrary notwithstanding.

Inspectors to inform of breaches of this act.

[SECT. 4.] And the inspector in each town on the aforesaid island is hereby required to take care that this act be duly observed, and to inform of all transgressions thereof.

Continuance.

[SECT. 5.] This act to be in force for the space of one year from the tenth day of June next, and no longer. [*Passed and published April* 21, 1761.

NOTES.—There were four sessions of the General Court this year, at all of which acts were passed. Of the engrossments of these acts the following chapters are missing; viz., 1, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 31 and 32: all, however, were printed; chapters 11 and 18 separately.

Governor Pownall having been recalled, the government devolved on Lieutenant-Governor Hutchinson from June 3, to August 2,—the date of Governor Bernard's arrival. Tidings of a demise of the crown reached Boston, December 27, during the third session of the Assembly. Although the news was unofficially communicated, it was followed, on the 30th, by proclamation of George III., as king, and the Legislature continued its session without prorogation.

The following is the title of the only private act passed this year. It was included with the printed public acts, but there seems no reason for distinguishing it from other private acts which are reserved for the Appendix:—

"An Act to enable the Executors of the last Will and Testament of Sir William Pepperrell, Baronet, deceased, and the other Proprietors of certain Tracts of Land in the Townships of Biddeford and Scarborough to sue for any Trespasses committed upon said Tracts of Land within five years preceeding the present Session of this Court in the present County of York."—[*Passed April* 18; *published April* 21, 1761.

The acts of the first session were duly certified for transmission, July 4, 1760, and those of the second session, August 30, 1760. The date of their delivery to the clerk of the Privy Council, in waiting, does not appear; but, on the 25th of November, they were referred to the committee on plantation affairs, by whom they were, in turn, referred to the Board of Trade two days later. On the 9th of December, the Board, considering that all these acts, except chapters 2, 4, 7, 9 and 13, had expired by their own limitation, ordered these five, only, to be referred to Sir Matthew Lamb, "for his opinion thereupon in point of Law." Sir Matthew Lamb having reported, May 19, 1761, that he had no objection, &c., to these acts, they were again considered by the Board, on the 22d, and "ordered to lye by probationary, until the further effect & operation of them sh[d] be known." No record of further action on these chapters has been discovered.

The acts of the third session were duly certified for transmission, February 28, 1761, and, on the 30th of May, they were delivered to the clerk of the Privy Council, in waiting. They were referred to the committee on plantation affairs, June 25th, and, four days later, referred to the Board of Trade, to examine and report, &c. The Board of Trade referred them to Sir Matthew Lamb, "for his opinion thereupon in point of Law," November 11, 1761. Sir Matthew Lamb reported, January 22, 1762, that he had no objection, &c. This report was received by the Board, on the 26th; and, on the second of February, the Board ordered that such of these acts "as are not expired should lye by probationary untill the further effect and operation of them should be known." Chapters 16, and 18, were specially considered, as will be seen in the notes to those acts respectively, but no record of further action on the remaining acts of this session has been discovered.

The acts of the fourth session, including the private act above described, were duly certified for transmission, June 18, 1761, but were not delivered to the clerk of the Privy Council, in waiting, until the 19th of September following. On the 24th, they were referred to the committee on plantation affairs, and, the next day, referred to the Board of Trade, where they were considered, January 13, 1762, and ordered to be sent to Sir Matthew Lamb, for his opinion, &c. Sir Matthew's report, dated May 22, 1762, was read and considered by the Board, June 9, 1762, but, although he submitted the objections hereafter given, in notes to chapters 25, 33 and 34, the Board passed an order that all the acts of this session "should lye by probationary, until the further operation and effect of them should be known," which is the last action upon them that has been discovered in the Public-Record Office.

Chap. 3. In the campaign of 1757, as has been shown (note to 1757-58, chap. 30, and 1759-60, chap. 16, *ante*), the Crown furnished, through contractors, the subsistence of the provincial forces; and this being all that was promised by Mr. Secretary Fox, and by his successor, Mr. Pitt, in his letter of February, 1757, no claim

was made by the province for reimbursement of the expenses incurred in levying, paying, arming and clothing the men enlisted for that campaign in the Massachusetts quota. For the campaign of 1758, however, Mr. Pitt, as an additional inducement for the raising the large contingent expected of this province, promised not only to furnish a train of artillery, and all necessary arms and transportation, but that strong recommendations would be made to parliament to grant a proper compensation for such other expenses as the province had borne, exclusively, in previous years. The recommendations made to parliament in accordance with this promise resulted in a grant of £200,000, to be distributed among all the North-American provinces engaged in the war, "as their active vigor and strenuous efforts shall be thought by His Majesty to merit." (See Journals of the House of Commons, April 30, 1759.)

The subject of soliciting and receiving the province's proportion of this grant, led to unhappy differences in the Legislature, and between the Agent and his constituents. The dissatisfaction with Mr. Bollan's proceedings in procuring and forwarding the provision-money for 1756, seems to have been shared by the Governor (Pownall); and he, having received an address from the Assembly at their June session, entreating him to represent to the King the distressed state of the province, prepared a most earnest letter, in their behalf, to Mr. Pitt, which, however, he did not forward until after tidings of the grant had been received from Mr. Bollan.

At the beginning of the October session, a vote of thanks from the Assembly was tendered to the Governor, for his urgent representation to Mr. Pitt; and, on the strength of this approval, the Governor took occasion, in the following vacation, to write again to the Secretary of State that the receipt or delay of the provision money "would greatly promote or might greatly obstruct" measures for raising troops for the campaign of 1759, and to propose to him that the money be sent through the government contractors, consigned to the province Treasurer, in the same manner in which the grant for the expenses of the year 1755 had been forwarded. He also wrote to the contractors informing them of his letter to Pitt, and suggesting the propriety of thus transmitting not only this money but, also, the expected grant for reimbursing the expenses of the province, in 1758. Of his letter to Mr. Pitt the Governor forwarded a copy to Mr. Bollan.

This interference by the Governor, though evidently prompted by a sincere regard for the welfare of the province—which he deemed in peril, from the disagreement of the Council and Representatives on the subject of authorizing some party to receive the grant, and the failure of Mr. Bollan to devise some short way out of the difficulty—was, with good reason, resented by the latter.

In the act authorizing the receipt and transmission of the Cape-Breton money (1748-49, chap. 15), Admiral Warren and Eliakim Palmer were joined with the agent for that purpose; and this precedent was now availed of to join Mr. John Pownall, brother of the Governor, and, at this time, Secretary of the Lords of Trade, who was well informed on all matters relating to the province, and warmly interested in its welfare.

The Council having voted, in the December session, that Mr. Bollan be directed to solicit the compensation for the campaign of the same year (1758), and the House having refused to concur in this vote, the Governor, on the 17th of February, 1759, feeling that Mr. Bollan's authority was virtually suspended, wrote to his brother, urgently entreating him to second the efforts he himself had been making with Mr. Pitt and the contractors, to have the money forwarded.

At the opening of the February session this action of the Governor was communicated by him to the Assembly, and thus Mr. John Pownall was brought prominently forward as a person proper to be associated with the Agent in this affair. Accordingly, on the 28th of March, he was chosen to that place by both branches, of which fact prompt notice was sent to him by the Secretary. A mere copy of this vote, without any formal power of attorney, being the sole credential received by Mr. Pownall from the province, Mr. Bollan felt obliged to object to the sufficiency of his authority, both in duty to the officers of the treasury, and to prevent the recoupments, delays and obstructions, which, upon the discovery of such an irregularity, must, inevitably, have ensued in negotiating future payments. Mr. Pownall lost no time in notifying Secretary Oliver of Mr. Bollan's objection, whereupon a regular power of attorney, in conformity to the precedent of 1748, was prepared by order of the General Court, and transmitted to Mr. Pownall, by the Secretary, October 15, 1759. A joint letter of instructions was also sent to Messrs. Bollan and Pownall.

While the letters just described were preparing, Mr. Bollan was writing to Secretary Oliver, fully stating his objections to Mr. Pownall's appointment, and setting forth the difficulties that he encountered through the repeated interference of other persons claiming to act in behalf of the province. Notwithstanding the inharmonious and wavering conduct of the Assembly, Mr. Bollan continued to labor assiduously to procure for the province a liberal apportionment of the grant; but, in the midst of these labors, the General Court voted to dismiss him from the agency. This vote was passed February 12, 1760; but the next General Court reinstated him on the 6th of June following, and, on the 20th of the same month, the present chapter, joining Mr. Pownall in the business of receiving and transmitting the compensation money was passed.

Before notice of this last appointment had been received by him, Mr. Pownall wrote to the Secretary, enclosing a copy of his letter, of the same date, to Mr. Bollan, expressing a desire to "wave any claim" under the letter of attorney of October 1759, and expressing his conviction that this business could not be in better hands than Mr. Bollan's, who was "much better acquainted," than he, "with transactions of this kind." Mr. Bollan also wrote that he hoped that Mr.

Pownall's letter would "prevent all future difficulties touching the receipt of the money payable at the treasury for the use of the Province." The matter here rested, with the exception of the business of forwarding accounts and vouchers from the province, until August 8, 1760, when Mr. Bollan wrote to Secretary Oliver that he had received the province's share of the grant.

On the 8th of October following, the money was shipped on the Fowey, man-of-war, Capt. Tonyn. It arrived at Boston, March 14, 1761, and, on the sixth of May, Mr. Treasurer Gray entered a credit to Mr. Bollan for 28,528 johannes, and 3,000 moidores (fourths and eighths), which had arrived by the Fowey and which—the former being reckoned at 48 shillings, and the latter at 36 shillings—amounted to £73,860, 13s. 6d. province money.

"June 20th, 1760, Sir, The General Court having appointed you Agent of the Province of the Massachusetts Bay, at the Court of Great Britain, as Appears by their Vote of the 6th Instant, and his Honour the Lieutenant Governor, at the Request of the two Houses, having Commissioned you for that purpose,

Your Instructions are.

1st That upon the Receipt of the Provinces Proportion of the Parliamentary Grant of £200,000 Sterling, you cause it to be shiped on Board one of his Majesty's Ships of War, bound to Boston, New York or Nova Scotia, and if to either of the last mentioned Places, endeavour to obtain leave for such Ships proceeding to Boston with the Money but you are to Ship it, thô you should not obtain that leave as the Province Frigate can bring it from either of said Places, and you are to cause the said Money to be fully insurred, Consigning it to the Treasurer of the Province, for the time being, or his order—

* * * * * *

2dly With regard to the Provinces Proportion of the Parliamentary Grant to the Colonies, for their Military Services in 1758, An Act has passed (the former power being judged insufficient) impowering you, in Conjunction with John Pownall Esqr to receive it—You are to follow the Instructions that will be given you in Conjunction with Mr Pownall, upon this Head."—*Extracts from the instructions to Agent Bollan, Council Records, vol. XXIII., p.* 481.

"Boston June 20: 1760.

Gentlemen, Some doubt having arisen with regard to the Validity of the Power sent you to receive this Provinces Proportion of the Grant made by Parliament to the Colonies for their Military Services, in the Year 1758, The General Court have passed an Act Impowering you jointly, or in certain Cases Severally, to receive said Proportion for the use of the Province, concerning which it is the desire of the General Court, that as soon as may be after the Receipt of the Money, you cause it to be shiped on Board one of his Majesty's Ships of War, bound to Boston, New York or Nova Scotia, and if to either of the last mentioned Places that you would endeavour to obtain Leave for such Ships proceeding with it to Boston; but thô you should not obtain that leave, you are to Ship it notwithstanding, as the Province Frigate can bring it from either of those places, and you are also desired to cause the same to be fully Insurred, and to Consign it to the Treasurer of the Province, for the time being or his Order.

In Council Voted that the Secretary be directed to prepare a fair Copy of the foregoing Letter to Mr Agent Bollan, and John Pownall Esquires and sign the same, in the name of the General Court, and transmit it as soon as may be.

In the House of Representatives Read and Cuncurred Consented to by the Lieut Governor."—*Ibid., p.* 480.

Chap. 7. "Jan. 22, 1760. A Petition of Enoch Freeman and Others a Committee of the Town of Falmouth, Praying for a division of the County of York and that the Towns and Settlements to the Eastward of Saco River may be made a seperate County and that Falmouth may be made the Shire Town.

In the House of Representatives. Read and Ordered That Mr Tyng Mr Flucker Mr Tyler Colo Partridge and Mr Paine be a Committee to confer with such as the honourable House shall appoint upon the subject matter of the several Votes that have passed both Houses on this Petition and report thereon.

In Council Read and Concurred and Joseph Pynchon, John Erving, James Bowdoin and Thomas Hancock Esqrs are joined in the Affair."—*Council Records, vol. XXIII., p.* 193.

"Feb. 13, 1760. In Council on the Petition of Enoch Freeman and Others Praying that a new County may be formed in the County of York and on the Petition of Silvester Gardner and others. Praying That another new County may be formed in said County of York

Ordered That the Petitioners serve the Inhabitants of the several Towns and Districts in the County of York with a Copy of said Petitions by inserting the substance of them together with this Order in the Several Boston news papers three Weeks successively, that so they may shew cause if any they have on the first Tuesday of the next May Session why the Prayer of said Petitions should not be granted.

In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid., p.* 276.

"June 10, 1760. In Council, Voted, That John Cushing Silvanus Bourn and Israel Williams Esqr with such as the Honourable House shall join be a Committee to take under consideration the several Petitions for dividing the County of York and erecting one or more new Counties there, hear such of the Parties concerned, who may be now Attending the Court, and Report what they Judge Proper for this Court to do in the Affair.

In the House of Representatives Read and Concurred, and Mr Foster Colo Gerrish, Mr Paine, and Colo Jones of Hopkinton are joined in the Affair."—*Ibid.*, *p.* 417.

"June 12, 1760. The Committee to whom was referred the Petitions relating to the dividing of the County of York, having heard the Petitioners, and others concerned, are of Opinion that the Prayer of the Petition be granted, and that the County of York, be divided, and made three distinct and Seperate Counties, according to the Bill brought in the last Session of the General Court, and referred over to this.

In Council Read and Accepted. In the House of Representatives Read and Nonconcurred."—*Ibid.*, *p.* 432.

"June 16, 1761. A Petition of the Selectmen of the Town of Brunswick—Setting forth—That they apprehend there is some uncertainty with respect to the Bounds of the County of Cumberland, and a dispute hath arisen whether or no the whole Town of Brunswick is included in said County. Praying the determination of this Court.

In the House of Representatives Read and in Answer to this Petition, Resolved That the true intent and meaning of the Line of the County of Cumberland was to run by the River or Creek that seperates Brunswick from George Town, and that the whole of the Town of Brunswick hereafter be deemed part of the aforesaid County of Cumberland.

In Council Read and Nonconcurred. And Whereas it Appears comparing the Boundary Lines of Brunswick with the Line dividing the Counties of Cumberland and Lincoln that the whole of said Brunswick is within the County of Cumberland. Ordered that this Petition be dismissed.

In the House of Representatives Read and Concurred."—*Ibid.*, *vol. XXIV.*, *p.* 46.

See, also, note to 1759–60, chap. 23, *ante*.

Chap. 10. It will be observed that this chapter was enacted on the same day with the act joining Mr. Pownall in the business of receiving and transmitting the province's share of the grant for reimbursing a portion of the expenses incurred in the campaign of 1758 (*ante*, chap. 3), and that, in the present chapter, Mr. Trecothick was to act only in case of the sickness or death of the Agent.

Governor Pownall had been nominated to the post of governor of South Carolina; and news of his recall had come to him in the latter part of February, although he did not sail for England until the third of June, up to which time he continued to act in his office. His brother's resignation of his joint commission with the Agent, followed on the 20th of July, which, though a month later than the date of this act, was some time before he could have received tidings of its passage.

Mr. Bollan's new commission as agent and a copy of the present act, reached him in August. Fresh instructions had been prepared for him; and a detailed statement of expenditures by the province for the campaign of 1759, in which Massachusetts was credited with a contingent of 6,500 men, was promised. Instructions were also prepared for Mr. Trecothick. Parliament had already granted £200,000, for reimbursing part of the expenses of all the colonies for that year (see Journals of House of Commons, March 31, 1760), and Mr. Bollan renewed his applications to the Lords of the Treasury for such an apportionment of that sum to Massachusetts, as would be equitable. In the mean time he applied for leave to return to the province during the next summer, in order to look after his private affairs, explain, in person, the difficulties that had attended his former negotiations, and collect evidence to defend the right of the province against the claims of the Earl of Stirling, and others, to a portion of her eastern territory.

When, in October, he wrote that the 1758-money was shipped on the Fowey, Mr. Bollan had not received the promised statement of expenses for 1759, and he took occasion to mention that fact in his letter. The accounts had been sent, but, as was supposed, had miscarried, and, on January 9, 1761, duplicate copies were forwarded. It appears, however, that the accounts, and a triplicate copy, reached Mr. Bollan on the sixth of February. In the mean time, he had procured an order from the Lords of the Treasury, for delay until their arrival. On examining the copies sent him they were found incomplete.

The demise of the Crown occurring in October, and rendering necessary the renewal of commissions, gave Mr. Bollan an opportunity to suggest to the General Court the proper way to appoint an agent; and, in a previous letter, he had already asked for express orders concerning the transmission of money, so as to avoid, for the future, the difficulties that had attended former shipments.

Further statements of accounts were forwarded to the Agent on the 6th and 17th of June; but the grant had been already apportioned (April 28), and £30,634 allotted to Massachusetts. Four days before the second of these letters was dispatched to him, Mr. Bollan wrote to the Secretary that, after the warrants for payment of the grant had been made and signed by the King, a mistake was discovered, which made it necessary to cancel them; and, thereupon, new warrants were prepared, which were not delivered until the fourteenth of May, and then without the letter from the Secretary of the Treasury upon which, alone, the warrants could be paid.

These warrants were drawn upon the Paymaster-General; and, upon presenting the warrant for this province, to have it examined preparatory to payment, Mr. Bollan was informed that payment would not be made immediately, and not wholly in money, but that a moiety would be in Exchequer tallies. Having arranged that one letter from the Secretary should answer for all the colonies, and having adjusted minor details, including the settlement of fees, &c. he called for the letter, at the time appointed, and was then informed that payment was stopped, by order of the Lords of the Treasury, upon application of the Earl of Kinnoul, late Paymaster-

General, whose accounts were unliquidated, owing to an irregularity in the repayment of the loan from Gov. Shirley, in 1756.

The vote of the General Court granting Mr. Bollan's request for leave of absence reached him before the middle of April, but he did not feel at liberty to avail himself of this privilege until all matters relating to reimbursement for the expenses of 1759 were so far settled as that the money could be obtained by the province without further application to the government. He succeeded in removing the difficulty with Kinnoul's accounts, and procured a discharge of the order for retaining any portion of the grant to meet that contingency, so that, by the 26th of May, the cash part of the province's share was in his hands, which he promptly took measures for forwarding.

Owing to a scarcity of coin, considerable time was consumed in converting the money into gold, according to instructions, preparatory to shipment. A new difficulty now arose. While proceeding to have the gold put on board the Alcide, man-of-war, which was ready to sail, and in which, with the consent of the Lords of the Admiralty, he had arranged to ship the gold, he received intimations that the Assembly were about to pass, or had passed, an act authorizing bills of exchange to be drawn upon him. Ten days before, he had written to Secretary Oliver of his intention to ship the gold, but, as the drawing of bills would save the province seven per cent, or more, and would obviate difficulties and delay attendant upon the transmission of money, Mr. Bollan concluded to retain the gold, to meet such draughts as might be presented, and immediately notified the General Court of this conclusion, giving his reasons for it at length and expressing the hope that his conduct would meet their approval.

On the first of August the Agent wrote again to the Secretary, for instructions concerning the drawing of bills upon him, he having seen, besides the private letters (mentioned in his former dispatches) giving information upon the subject, a copy of the Boston Post, of June 22, containing an advertisement for subscriptions, to the Treasurer, for bills of exchange on the Agent, for £60,000. (See 1761–62 chap. 3 *post*.) But no official information of the passage of the act had reached him, nor, on the other hand, had the Exchequer tallies been cashed.

Mr. Bollan appears to have remained at his post, notwithstanding his permission to return, until after Mr. Mauduit had entered upon his duties, as his successor. (See chapter 48 *post*.)

"Boston June 20th 1760.—

Sir The General Court of the Province of the Massachusetts Bay, have appointed you (in Case of the Death, or other Incapacity of William Bollan Esqr) to receive the Provinces Proportion of a Grant of £200,000 Sterling, made by the Parliament to the Colonies, as a Compensation for their Military Services, in the Year 1759, In Case you should receive it, it is the desire of the General Court, that as soon as may be, after the Receipt thereof you would cause it to be Shiped, on board one of his Majesty's Ships of War bound to Boston, New York or Nova Scotia, and if to either of the two last mentioned Places, that you would endeavour to obtain leave for such Ships proceeding with the money to Boston, but thō you should not obtain that leave, you are to Ship it Notwithstanding, as the Province Ship can bring it from either of those Places and you are directed to cause the same to be fully insured,

In Case Mr Bollan should receive the said Money, and should receive it, before an Oppertunity offers to Ship it, he will be desired to lodge it in some Publick Bank under such Circumstances, as that (in Case of his Death, or other Incapacity) you may be able to demand, and receive it for the use of the Province, and in that Case you will be pleased to ship, and insure as abovementioned, Consigning it to the Treasurer of the Province, for the time being, or his Order.

In Council Ordered that the Secretary prepare a fair draft of the foregoing Instructions to Barlow Trecothick Esqr and sign, and transmit the same as soon as may be.

In the House of Representatives; Read and Concurred Consented to by the Lieutenant Governor."—*Council Records, vol. XXIII., p.* 480.

Chap. 11. "June 19, 1760. In the House of Representatives—In Answer to the Prayer of the Petition of the Selectmen of the Town of Boston—Voted that the sum of Eleven hundred pounds be granted, and paid out of the Publick Treasury of this Province, to the Town of Boston, in Lieu of any Abatement, on their Proportion, of the Province Tax, on Account of their Losses by the Fire on the Twentieth of March last; the same to be applyed to the Abatement of the Taxes, of the particular Persons, who have Sustained Losses by said Fire, in such Proportion, as the Assessors of said Town shall determine.

In Council Read and Concurred Consented to by the Lieutenant Governor."—*Council Records, vol. XXIII., p.* 463.

"Dec. 27, 1760. A Petition of Nathan Nye, and John Sherman Constables of Rochester, representing the difficulties they labour under with respect to the Tax laid upon one John Sherman a Quaker—Praying the direction of this Court thereupon.

In the House of Representatives; Read and Ordered that the Prayer of this Petition be so far granted as that the Treasurer be directed to stay Execution against John Sherman, for the four pounds, nineteen shillings, and three pence, till the further Order of this Court.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 536.

"Dec. 27, 1760. A Petition of the Town of Raynham—Praying the Fine imposed upon said Town for not sending a Representative the present Year, may be remitted, for the reasons in said Petition mentioned.

In the House of Representatives; Read and Ordered that the Prayer of the Petition be granted, and the Petitioners are allowed to receive Ten pounds out of the Publick Treasury accordingly.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 537.

"Dec. 31, 1760. A Petition of the Committee for the District of Harpswell—Praying that Nehemiah Curtis, and John Snow, may be impowered to collect the Taxes laid upon the Inhabitants of said District &c[a]

In the House of Representatives; Read and Voted that the within named Nehemiah Curtis and John Snow be required and they hereby are impowered to proceed and perfect the Collecting the Taxes within mentioned, according to Law, any Failure with respect to their Qualifications hitherto Notwithstanding.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 544.

"Jan. 23, 1761. A Petition of Abiel Sadler of Upton—Setting forth that the Town of Upton at their Meeting in March last, chose Jonathan Wood one of the Constables of said Town, who hired the Petitioner to take his place, and serve in his Room accordingly the said Town at their Meeting in May last accepted and Chose the Petitioner in the room of the said Jonathan, and the Taxes of said Town have been committed to him to Collect, that there is a doubt whether the Choice was Legal—Praying a Confirmation of his Choice.

In the House of Representatives; Read and Voted, That the Prayer of this Petition be granted, and that the Choice and acceptance of Abiel Sadler at the Town Meeting of the Town of Upton in May last as Constable, in the room and stead of Jonathan Wood who was Chosen Constable by said Town in March last, be and hereby is Confirmed, and all the doings of said Constables since in his said Office is declared good and Valid to all Intents and purposes whatsoever, or what he shall hereafter do by Virtue of said Choice; Provided that the same be otherwise Agreeable to Law.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 623.

"Feb. 6, 1762. A Petition of Joseph Robinson Representative of the Town of Falmouth in the County of Barnstable, Setting forth, That the said Town considering the smallness of it, and the Poverty of its Inhabitants did not send a Representative to Court in the Year 1760, for which the then House of Representatives fined the said Town, Ten pounds, which they esteem a great Hardship, And Praying Relief.

In the House of Representatives; Read and Ordered That the Prayer of the Petition be granted; and that the sum of Ten pounds be granted out of the Public Treasury to Cap[t] Joseph Robinson for the use of the said Town. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *vol. XXIV.*, *p.* 237.

"Feb. 9, 1762. A Petition of Timothy Ruggles Esq[r] of Hardwicke—Praying That a fine of Twelve pounds laid on the said Town the last Year for not sending a Representative to Court, occasioned by diverse extraordinary expences the Town was at, in that Year, may be remitted.

In the House of Representatives Read and Ordered That the Prayer of the Petition be granted; and the Treasurer is directed to pay the sum of Twelve pounds to the Petitioner for the use of said Town accordingly—In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 246.

"March 3, 1762. A Petition of John Severance and others Assessors of the Proprietors of Fall Town, Setting forth, That in consequence of their Appointment they made several Assessments on the Proprietors aforesaid viz[t] one tax of four shillings on each Right or Share, one other Tax of £31.13.4 to be proportioned on the whole, and one other tax of two pence one farthing upon each Acre laid out in said Fall Town; and nothing remained but the sale of the Delinquents Lands when the Law by which they made their Assessments expired viz[t] at the end of the Sessions in May last, That they had however proceeded to make Sale of the Lands of the Delinquents in September last, And Praying that the said Act may be revived and their Sale confirmed.

In the House of Representatives Voted That the Prayer of the Petition be so far granted as that the several Sales of Land made by the Assessors within mentioned shall be confirmed to all intents and Purposes, Provided that the Proprietors and Owners of the Lands so sold do not within three Months from this time pay the Taxes and charges due respectively from them, and that the said Assessors give notice thereof in all the several Public Prints. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 307.

"Sept. 9, 1762. Upon the Petition of Daniel Witham and Others Selectmen of Gloucester. The following Order passed the Court Viz[t]

In the House of Representatives; Whereas the Selectmen of the Town of Gloucester have represented to this House That William Somes was chosen one of their Constables in the Year 1760, and that there was committed to him agreeable to Law a list of Province and Town Taxes to the amount of three hundred and forty nine pounds eight shillings, part of which sum being about Eighty three pounds was collected by said Somes; upon which he failed in his business, all his Estate was Attached by his Creditors, and he committed to Goal being thus rendered incapable of compleating the Collection, he Constituted and impowered Samuel Allen of said Gloucester by his Power of Attorney to collect the remainder, part of which he said Allen has collected; but inasmuch as it is doubted by many of the Inhabitants whether they are obliged to pay said Allen, and it is also doubted by said Allen whether he be obliged to account for the same.

Therefore Resolved That Samuel Allen be empowered and he is hereby fully Authorized and empowered to collect all such Sums in said Lists which he received from William Somes as are not collected, and that he be obliged to account for the same together with what he has already collected in the same manner as if he had

been legally chosen and sworn for that purpose—In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 460.

"Jan. 22, 1763. A Petition of Timothy Metcalf of the Town of Wrentham, Setting forth, That since the Year 1751 the Town of Wrentham has been assessed to the Province Tax for such of their Inhabitants as were by the late running of the Line betwixt this Government and Rhode Island annexed to the latter, every Year till the taking of the last valuation 1761, which several Assessments amount in the whole to £337. 15. 3¾ and which they were restrained from collecting by order of the General Court, notwithstanding which the Town lyes liable to the Province Treasurers Executions, And Praying that they may be discharged of said sum.

In the House of Representatives; Read and Ordered That the Prayer of the Petition be so far granted as that the Treasurer be and he is hereby directed and ordered to discharge the several Constables of the Town of Wrentham from the Year 1751 to 1760 inclusively, of the several sums committed to them by the Assessors of said Town to collect from the Polls and Estates that were seperated from them by the running of the Line between this Government and Rhode Island amounting in the whole to Three hundred and thirty seven pounds fifteen shillings and three pence three farthings—In Council Read and Concurred Consented to by the Governor." —*Ibid.*, *p.* 513.

Chap. 14. "Aug. 15, 1760. In the House of Representatives Voted that there be granted and paid out of the Publick Treasury to his Excellency Francis Bernard Esq^r Governor in Chief of this Province the sum of Three hundred pounds, to defrey the Charge of transporting his Equipage hither. In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIII.*, *p.* 500.

Chap. 15. "Aug. 14, 1760. A Memorial of the Selectmen of the Town of Roxbury Setting forth that the Great and General Court, in their Session of the 25th day of April AD 1759—were pleased to pass An Act allowing and impowering Messrs Joseph Williams, Samuel Heath, Ebenezer Newell, Jeremiah Richards, and Joseph Mayo Selectmen of said Roxbury to sett up a Lottery or Lotteries for the purpose of raising Sixteen hundred sixty six pounds, thirteen shillings and four pence, Money to be improved, in paving the Publick Highway from Boston line, to the foot of Meeting House Hill, and said sum being found insufficient to accomplish the said Work—They therefore pray they may be further enabled, to raise by Lottery, the sum of Seven hundred and Fifty pounds more, in order to Accomplish said Work &c^a"—*Council Records, vol. XXIII.*, *p.* 489.

"Jan. 22, 1761. A Memorial of Joseph Mayo of Roxbury—Setting forth That he's appointed and impowered by an Act of the General Court, one of the directors or Managers of a Lottery granted by said Court to the Town of Roxbury, for paving the High way in said Town, that in numbering his Book in the fifth Class in said Lottery there was a Mistake, forasmuch as by Agreement of all the managers of said Lottery he was to have the Third Book of said Tickets in said Class, and each Book Consist of One Thousand Numbers, so that the memorialists Book should have been the third Thousand, yet thro mistake he began to Number his Book with the fourth Thousand, and proceeded as far as three Thousand five hundred before he discoured* it, that he had disposed of many of them—Praying an Order may pass this Court that all such person or persons, as may be possessed of any Tickets signed by him of any number higher than three Thousand may be returned to him he paying the purchase money.

In the House of Representatives; Read and Ordered that the Prayer of this Petition be granted, and that all such Tickets in the fifth Class, of Roxbury Lottery, Signed by Joseph Mayo the Petitioner (above the Numbers of three Thousand) be and hereby are declared Null and Void, and the Covenants Contained in the Faces thereof; Saving only to the Possessors of all such Tickets, a right and liberty at discretion to return the same to the said Joseph Mayo, and receive their purchase Money again viz^t two Dollars for each of said Tickets so returned; any thing contained in the Faces of said Tickets to the Contrary Notwithstanding.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 618.

Chap. 16. "Oct. 3, 1759. The State in which Insolvent Debtors find themselves after having surrendered their Persons and discovered their Effects to their Creditors upon the late Act for Releif of Debtors and their Creditors deserves your Attention, and you may depend upon my Assistance in any Remedy which you can apply for their Relief consistent with equal Justice to all their Creditors both in England and here, and consistent with his Majesty's declared Will in the disallowance already made."—*Extract from the Governor's speech to the Assembly: Council Records, vol. XXIII.*, *p.* 61.

"Oct. 4, 1759. In the House of Representatives Voted That M^r Prat, M^r Nyles, and M^r Tyng with Such as the honourable Board shall join be a Committee to take that paragraph in his Excellency's Speech under consideration respecting Insolvent Debtors; and report thereon.

In Council. Read and Concurred; and his Honour the Lieutenant Governor and Samuel Danforth Esq^rs are joined in the Affair

The Petitions of Edmund Quincy, Henry Quincy and Edmund Quincy jun^r and of Jeremiah Osborne and Samuel Osborne all lately declared Bankrupts—Setting forth That pursuant to the Act of this Province intituled 'An Act providing Remedy for Bankrupts and their Creditors'—They had delivered up their Bodies and all their Effects to Commissioners appointed for that purpose agreeable to said Act;

**Sic:* discovered.

but before their Affairs were compleated, his Majesty's Notification was received by his Excellency of his having by Advice of his Privy Council disannuled said Act, which has prevented the relief designed them: And Praying the Consideration of this Court thereon, that some Remedy may be granted them under their perplexed Circumstances.

In Council. Read and Ordered That these Petitions be committed to the Committee appointed to take under consideration that Paragraph in his Excellency's Speech respecting Insolvent Debtors.

In the House of Representatives. Read and Concurred."—*Ibid.*, *p.* 63.

"Nov. 1, 1759. Royall Tyler Esq came up from the House with a Message to the Board, to desire that the Committee on that part of his Excellency's Speech respecting Insolvent Debtors may sit forthwith.

Thomas Hubbard Esq went down to the House with a Message from the Board to acquaint them that the Chairman of the Committee on that Part of his Excellency's Speech respecting Insolvent Debtors had informed the Board that Mr Prat one of the Committee, who is now out of Town, has the Papers relating to that Affair."—*Ibid.*, *p.* 115.

"Nov. 6, 1759. A Bill intituled An Act for finishing such Commissions as have been begun to be acted upon and have not been finished during the continuance in force of the Act providing Remedy for Bankrupts and their Creditors—having been read a first and second time in Council and Passed to be engrossed.

In the House of Representatives. Read a first time."—*Ibid.*, *p.* 118.

"Nov. 6, 1759. Peter Oliver Esq from the Board went down to the House with a Message to inquire if the House had passed on the Bill sent down from the Board relating to Bankrupts and their Creditors.

Thomas Fluker Esq from the House came up to the Board with a Message to acquaint them that the House had passed on the Bill relating to Bankrupts and their Creditors and had referred the same to the next Session."—*Ibid.*, *p.* 120.

"Nov. 8, 1759. A Petition of Jeremiah Osborne and Samuel Osborne Merchants and Partners—Setting forth That a Commission of Bankruptcy was extended against them agreeable to a Law of the Province then in force providing Remedy for Bankrupts and their Creditors. That they have in conformity thereto surrendered themselves, and delivered up their whole Estate both Real and Personal even to their necessary wearing Apparrell and Bedding to Assignees. Whereupon the Majority of their Creditors in number and value by Certificate under their hands and seals did consent that they should be discharged, but before they could obtain a Certificate from the Commissioners, his Majesty's disallowance of said Act was received, and in consequence thereof all further proceedings were stayed. And Praying Relief.

In Council. Read and Ordered That the consideration of this Petition be referred to the second Wednesday of the next Session of the General Court, and that in the mean time the Petitioners and their Estates in the hands of the assignees be exempted from all Arrests and Attachments for debts contracted before they were declared Bankrupts, and all proceedings with regard to the Effects and Credits of the Petitioners in the hands of the assignees be likewise stayed. In the House of Representatives. Read and Concurred. Consented to by the Governor.

A Petition of Edmund Quincy, Edmund Quincy junr and Henry Quincy—Setting forth their compliance with the Act of this Goverment relating to Bankrupts and their Creditors, and their being prevented receiving the benefit of said Act, as particularly mentioned in the foregoing Petition of Jeremiah and Samuel Osborne. and Praying Releif.

In Council. Read and Ordered That the consideration of this Petition be referred to the second Wednesday of the next Session of the General Court, and that in the mean time the Petitioners and their Estates in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before they were declared Bankrupts and all proceedings with regard to the Effects and Credits of the Petitioners in the hands of the assignees be likewise staied.

In the House of Representatives. Read and Concurred Consented to by the Governor.

A Petition of Stephen Whiting of Boston—Setting forth That he hath in all respects complied with the late act of this Goverment providing Remedy for Bankrupts and their Creditors, but that he is prevented receiving the benefit of said Act by reason of his Majesty's disallowance of the same, as particularly mentioned in the foregoing Petition of Jeremiah & Saml Osborne. And praying Releif.

In the House of Representatives. Read and Ordered That the further consideration of this Petition be referred 'till the next Sitting of this Court. And all Proceedings with regard to the Effects of the Petitioner in the hands of the assignees be staied.

In Council. Read and Concurred Concurred* to by the Governor:"—*Ibid.*, *p.* 129.

"My Lords, The Disallowance of the Bankrupt Act of this Province pass'd Anno 1757, which His Majesty was pleased to make in Council the 28th day of July 1758 arrived here the 15th of June 1759. Those Debtors who upon the Relief proposed in this Act had delivered up their persons and effects to their Creditors and whose effects were actually in the hands of Assignees But who were excluded the benefit of said Act by the arrival of the Disallowance which putt an entire stop to all proceedings on said Act Those Debtors, My Lords, remain'd under cruel circumstances and the Creditors remained without equitable remedy. I was applyed to both by Creditors and Debtors for relief: By looking over the Collection of Massachusets

*Sic: consented.

1713-14, ch. 14.
1717-18, ch. 3.

Laws printed by order of your Lordships in England I find that upon the determining of a former Act of Bankruptcy in this Province there was Enacted and allowed in the year 1717 an Act entitled an Act to enable the Commissioners for Bankrupts Estates to finish the business of their Commission, which had its effect. This Precedent was sufficient for me to recommend the Case of the Debtors circumstanced as above. As I acquainted the Members of the House that I should pass no Bill whose effect was not suspended till His Majesty's pleasure could be known and as a Suspending Clause is a matter which they will never come into, We agreed upon the following Method That a Bill shou'd be brought in & accepted but upon reading be referr'd over from Sessions to Sessions till His Majᵗʸ's pleasure might be known And that in the mean while that there might be no fraudulent secreting, embezzling or unequal application of effects of the Debtors then in the hands of the Assignees And that the Creditors thus stripp'd of all their effects might be enabled by labour or otherwise to support themselves. An Order of Court shou'd pass upon the special Petition of the Bankrupts staying all proceedings as to said persons and their Effects in the hands of the Assignees from time to time as said Bill was referr'd. I humbly beg leave to referr this matter to Your Lordship's consideration that I may receive directions therein, as the channel into which I have been so happy to conduct this business has the full effect of a suspending Clause."—*Gov. Pownall to Lords of Trade, Nov.* 22, 1759: "*Mass. Bay, B.T.,*" *vol.* 76, *I. i.*, 81, *in Public-Record Office.*

"Jan. 4, 1760. A Petition of John Phillips junr of Boston—Setting forth—That on the 6th of February 1758 his Majestys Commission of Bankruptcy issued against him, and that he surrendered himself, his books and effects according to Law, but before he had obtained a Certificate from the Commissioners, his Majesty's disallowance of said Act was received, whereby his body is now become liable to the Arrests of his Creditors and his Effects in the hands of the assignees to Attachments. And Praying for Relief.

In Council. Read and Ordered That Benjamin Lynde, Samuel Danforth and Stephen Sewall Esqrs with Such as the honourable House shall join be a Committee to take this Petition under consideration, and report thereon.

In the House of Representatives Read and Concurred and Mr. Pratt, Captn Howard, Mr Humphreys and Captn Newhall are joined in the Affair."—*Council Records, vol. XXIII., p.* 149.

"Jan. 10, 1760. A Petition of Edmund Quincey Edmund Quincey junr and Henry Quincy Persons declared Bankrupts — Praying as entered 8th November last.

In Council Read again. And Ordered That the consideration of this Petition be further referred to the second Wednesday of the next Session, and that in the mean time the Petitioners and their Estates in the hands of the Assignees be exempted from all arrests and attachments for debts contracted before they were declared Bankrupts, and all proceedings with Regard to the Effects and Credits of the Petitioners in the hands of the assignees be likewise stayed.

In the House of Representatives. Read and Concurred Consented to by the Governor.

A Petition of Jeremiah & Samuel Osborne, Persons declared Bankrupts Praying as entered 8 November last.

In Council. Read again; And Ordered That the Consideration of this Petition be further referred to the second Wednesday of the next Session, and that in the mean time the * Assignees be exempted from all Arrests and Attachments for debts contracted before they were declared Bankrupts, and all proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise stayed.

In the House of Representatives. Read and Concurred Consented to by the Governor.

A Petition of Stephen Whiting, a Person declared Bankrupt—Praying as entered 7th November last.

In Council. Read again and Ordered That the further consideration of this Petition be referred to the second Wednesday of the next May Session; and all Proceedings with regard to the Effects of the Petitioner in the hands of the Assignees are stayed in the mean time.

In the House of Representatives, Read and Concurred. Consented to by the Governor."—*Ibid., p.* 159.

"Jan. 11, 1760. In Council Ordered That John Cushing Esq, be of the Committee on this Petition (vizt of John Phillips) in the room of Stephen Sewall Esq who is absent.

In the House of Representatives. Read and Concurred."—*Ibid., p.* 163.

"Jan. 11, 1760. A Petition of James Haywood of Woburne, a Person declared Bankrupt—Setting forth That He hath delivered all his Estate, Effects and Credits with his Books and Accounts to Commissioners appointed agreeable to the Act providing Remedy for Bankrupts and their Creditors, but that before he could obtain a Certificate from the Majority of his Creditors, his Majesty's disallowance of said Act was received, whereby he is reduced to the greatest difficulties. And Praying Relief.

In Council. Read and Ordered That this Petition be committed to the Committee upon the Petition of Mr John Phillips, said Committee to report what they judge proper for this Court to do thereon.

In the House of Representatives. Read and Concurred."—*Ibid., p.* 164.

"Jan. 19, 1760. A Petition of Enos How of Boston Setting forth—That a Commission of Bankruptcy having been issued against him, he surrendered himself

* *Sic;* —"petitioners and their effects in the hands of the" omitted.

and delivered all his Estate, Effects and Credits with his Books and Accounts to Commissioners by Law appointed, and was endeavouring to obtain a Certificate from the Majority of his Creditors to lay before the said Commissioners when his Majesty's disallowance of the Act of this Government for the Relief of Bankrupts and their Creditors was received, which has reduced him to the greatest difficulties. And Praying Relief.

In the House of Representatives Read and Ordered That the consideration of this Petition be referred to the second Wednesday of the next May Session; and that in the mean time the Petitioner and his Estate in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before he was declared Bankrupt, and all Proceedings with regard to the Effects and Credits of the Petitioner in the hands of the Assignees be likewise stayed.

In Council. Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 188.

"Jan. 21, 1760. The Committee appointed the 11 Instant on the Petition of James Haywood having reported verbally in favour of the Petition—In Council Ordered that the Consideration thereof be referred to the second Wednesday of the next Session. And that in the mean time the Petitioner and his Effects in the hands of the Commissioners or of the Assignees be exempted from all Arrests and Attachments for debts contracted before he was declared Bankrupt, and all proceedings with regard to the Effects & Credits of the Petitioner in the hands of the Commissioners or of the assignees be likewise stayed.

In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 191.

"Jan. 22, 1760. The Committee appointed the 11 Instant on the Petition of John Phillips having reported verbally in favour of the Petition:

In Council Ordered That the Consideration thereof be referred to the second Wednesday of the next Session. And that in the mean time the Petitioner and his Effects in the Hands of the Assignees be exempted from all Arrests and Attachments for Debts contracted before he was declared Bankrupt, and all Proceedings with regard to the Effects and Credits of the Petitioner in the hands of the Assignees be likewise stayed

In the House of Representatives. Read and Concurred."—*Ibid.*, *p.* 192.

"Jan. 23, 1760. A Petition of Thomas Walker of Boston, a Person declared Bankrupt, Setting forth That he hath surrendered himself to Commissioners by Law appointed and made a full discovery upon Oath, to them, of the whole of his Estate Effects and Credits, and in all things as far as in him lay conformed himself to the directions of the Law, But before he could obtain a Certificate from the Commissioners his Majesty's disallowance of the Act was received whereby he was brought into great difficulties. And Praying Relief. Which Petition having been committed to the Committee upon the Petition of John Phillips, who reported in favour of said Petition.

In Council Ordered That the Consideration of this Petition be referred to the second Wednesday of the next Session, and that in the mean time the Petitioner and his Estate in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before he was declared a Bankrupt. And all proceedings with regard to the Effects and Credits of the Petitioner in the hands of the assignees be likewise stayed.

In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 200.

"March 22, 1760. A Petition of Archibald Laws—Setting forth That on the 11th June 1759 he became Bankrupt within the Meaning of the Act of this Province Providing remedy for Bankrupts and their Creditors, that a Commission was issued against him and Commissioners appointed, and likewise an Assignee, to whom he has delivered up all his Effects, and had Obtained the Consent of the major part of his Creditors in number and Value as said Act directed but that before his Affairs were Compleated, his Majestys Disallowance of said Act was received whereby he is Subject to Arrests, although he hath thus stripped himself of his Effects, And Praying Relief.

In Council Read and Ordered That John Cushing and Stephen Sewall Esqrs with such as the honourable House shall appoint be a Committee to take the Petition under consideration and report.

In the House of Representatives Read and Concurred and Colo Partridge Capt Bacon, and Major Hartwell are joined in the Affair."—*Ibid.*, *p.* 286.

"March 26, 1760. A Petition of Archibald Laws, a person declared Bankrupt Praying as entered the 22d Instant, and then committed to a Committee of both Houses, who having reported in favour of the Petition.

In Council Read and Accepted. And Ordered That the consideration of this Petition be referred to the second Wednesday of the next May Session: and that in the mean time the Petitioner and his Estate in the hands of the Assignees be exempted from all Arrests and Attachments for debts Contracted before he was declared Bankrupt, and all Proceedings with regard to the Effects and Credits of the Petitioner in the hands of the Assignees be likewise stayed.

In the House of Representatives Read and Concurred Consented to by the Governor.

In Council Whereas there were Sundry Petitions from Persons against whom Commissions of Bankruptcy had been issued, the consideration of the several Petitions aforesaid be further referred to the second Wednesday of the next May Session And that in the mean time the Petitioners and their Estates in the hands of the Assignees be exempted from all Arrests and Attachments for debts contracted before they were declared Bankrupts and all Proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise stayed.

In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid., p.* 306.

"April 22, 1760. A Petition of Thomas Cooper of Boston—Setting forth That he hath been declared a Bankrupt within the meaning of an Act of this Province providing remedy for Bankrupts and their Creditors, that a Commission of Bankruptcy hath accordingly issued against him, to which he hath in all things conformed, but before he could obtain a Certificate from his Creditors his Majesty's disallowance of said Act was received and having delivered up his Effects he is now exposed to peculiar difficulties. And Praying Relief.

A Petition of Joseph Grant of the like Import.

In the House of Representatives Voted That these Petitions be referred to the second Wednesday of the next May Session for consideration; and that in the mean time the Petitioners and their Effects in the hands of the Assignees be exempted from all Arrests and Attachments for debts Contracted before they were declared Bankrupts, & all the Proceedings with regard to the Effects and Credits of the Petitioners in the hands of the Assignees be likewise stayed.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 350.

"April 24, 1760. In the House of Representatives. Whereas during the time that An Act intituled An Act providing remedy for Bankrupts and their Creditors was in force, sundry Persons were in Pursuance thereof declared Bankrupts, and surrendered themselves and Effects for the use of their Creditors according to the Intent of said Act, but by reason of the notice of the disallowance of said Act the Commissioners and Assignees could not proceed to make distribution and finish their trust according to the original Intention thereof, and many doubts have arisen touching such Effects of such Bankrupts and many suits have been or may be brought against such Commissioners Assignees or former debtors of such Bankrupts, to recover out of their hands the money goods or Effects so given up or assigned, which if permitted to go on may occasion great injustice and expence.

Voted That all the executive Courts thrô this Province be and hereby are Ordered to continue all such Actions brought as aforesaid, as are now depending, and to stay all proceedings on new Entries of any such Actions until after the second Wednesday of the Sessions of the General Court in May next.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, 361.

"June 4, 1760. In Council, Whereas, during the time that an Act entitled An Act providing Remedy for Bankrupts and their Creditors was in force, Sundry Persons were in Pursuance thereof declared Bankrupts, and surrendred themselves and their Effects for the use of their Creditors, according to the Intent of said Act, but by reason of the Notice of the Disallowance of said Act, the Commissioners and Assignees could not proceed to make Distribution and finish their Trust according to the Original Intention thereof, and many doubts have arisen touching such Effects of such Bankrupts, and many suits have been or may be brought against such Commissioners Assignees or former Debtors of such Bankrupts to recover out of their hands the Money, Goods or Effects so given up, or Assigned, which if permitted to go on may Occasion great Injustice and Expence, Voted that all the Executive Courts through this Province be and hereby are ordered to continue all such Actions brought as aforesaid, as are now depending and to stay all Proceedings on new Entries of any such Actions untill after the second Wednesday of the next sitting of this Court.

In the House of Representatives, Read and Concurred Consented to by the Lieutenant Governor."—*Ibid., p.* 404.

"Aug. 15, 1760. In the House of Representatives—Whereas during the time that An Act providing Remedy for Bankrupts and their Creditors was in in force, sundry Persons were in pursuance thereof declared Bankrupts and surrendered themselves and their Effects for the use of their Creditors, according to the Intent of said Act, but by reason of the Disallowance of the said Act, the Commissioners and Assignees could not proceed to make Distribution, and finish their Trust, according to the Original Intention thereof, and many doubts have Arisen, touching such Effects of such Bankrupts, and many Suits have been, or may be brought against such Commissioners, Assignees or former Debtors of such Bankrupts, to recover out of their hands, the Money Goods or Effects so given up, or Assigned; which if permitted to go on, may occasion great Injustice, and Expence

Voted, that all the Executive Courts through this Province, be and hereby are ordered to continue all such Actions brought as aforesaid as are now depending, and to stay all proceedings on New Entries of any such Actions untill after such Actions* Wednesday of the next Sitting of this Court. In Council Read and Concurred."—*Ibid., p.* 505.

"We have received your Letters to us dated the 22nd and 23rd of November last, and having referred the Draught of the Bill for enabling Bankrupts to finish their Accounts &c. to our Counsel at Law, for his opinion upon it, We shall, as soon as he has made his Report take it into our consideration and lay it before His Majesty for his directions upon it.

The dutiful regard you have shown to His Majesty's Instructions, in the manner in which this Affair has been conducted, cannot fail of meeting His Majesty's approbation, and the Order made by the General Court for the stay of proceedings in the several Cases of Bankrupts brought before that Court by Petition, appears to us to have been just and proper.

* * * * * *

This Observation leads us to take notice of what you say in your letter of the 22nd of Novr concerning the unwillingness of the House of Representatives to

* *Sic:* "the second" intended for "such actions."

admit of suspending Clauses being inserted in their Acts, which appears to us to proceed from a total misapprehension of His Majesty's Instructions, which are not directory to the House of Representatives in the manner of the framing their Bills, but to you only as to the manner in which you are to apply that Assent or Negative, which by the frame and principles of the Constitution, is vested in you; and therefore these Instructions are so far from being an Infringement of the rights of the House of Representatives in framing their Bills, that it is a gracious condescension on the part of His Majesty by which Your Negative is suspended, and you are permitted to assent to such Acts as you must otherwise, according to your Instructions, or agreeable to your own judgment and discretion, have rejected, in order that they may be reserved for His Majesty's personal consideration.

The Instructions therefore are in favour of the people, as the Bills, to which those Instructions refer, passed by their Representatives, could not otherwise have their existence as Acts, and consequently could not have been laid before His Majesty in so short and so easy a manner.

This therefore appearing to us to be the true sense and meaning of His Majesty's Instructions, We have thought proper thus fully to write our sentiments to you upon it; and at the same time to transmit to you the inclosed Resolutions of the House of Commons upon consideration of certain votes of the Assembly of Jamaica in 1753, the third of which Resolutions has reference to the case of the suspending Clauses; hoping they will serve to clear up all doubts upon this matter and convince the House of Representatives of Massachusetts Bay of their misapprehension of it; But if, notwithstanding this reasoning and great authority, they shall still persist to misapprehend and misrepresent it, It will be for His Majesty's consideration, what method it may be proper to take to prevent His Majesty's subjects from being any longer imposed upon by such Misrepresentations."—*Lords of Trade to Gov. Pownall, Feb.* 6, 1760: "*Mass. Bay, B.T.,*" *vol.* 85, *p.* 52, *in Public-Record Office.*

"*Lunæ, 23º die Maii; Anno 30º Georgii IIdi Regis, 1757.*

Resolved, That it is the Opinion of this Committee, That the Six last Resolutions of the Assembly of Jamaica of the 29th Day of October 1753, proceed upon a manifest Misapprehension of his Majesty's Instruction to his Governor, requiring him not to give his Assent to any Bill of an unusual or extraordinary Nature and Importance, wherein his Majesty's Prerogative, or Property of his Subjects, may be prejudiced, or the Trade or Shipping of this Kingdom any-ways affected, unless there be a Clause inserted, suspending the Execution of such Bill, until his Majesty's Pleasure shall be known; and that such Instruction is just and necessary, and no Alteration of the Constitution of that Island, nor any-ways derogatory to the Rights of his Subjects there."—*Journals of the House of Commons, vol. XXVII., p.* 910.

"In pursuance of Your Lordships Commands signified to me by Mr Pownall's letter wherein you are pleased to desire my opinion in point of Law upon the Draught of a Bill prepared by the Legislature of the Province of the Massachusets Bay intitled An Act for finishing such Commissions as have been begun to be acted upon and have not been finished during the continuance in force of the Act providing Remedy for Bankrupts and their Creditors. I have considered the Draught of the said Act and find that an Act concerning Bankrupts and for the relief of their Creditors which was passed in this Province expired in the Year 1716 and that in the following year 1717 an Act was passed to enable the Commissioners for Bankrupts Estates to finish the business of their Commissions. The Act now proposed to be passed is of the like nature of the last mentioned Act of 1717 and seems to be as necessary for the purposes mentioned in the said Act and I have no objection thereto in point of law."—*Report of Sir Mat. Lamb, Feb.* 20, 1760: "*Mass. Bay, B. T.,*" *vol.* 76, *I.i.*, 85, *in Public-Record Office.*

"Friday March 7th 1760.

At a Meeting of His Majesty's Commissrs for Trade and Plantations.

Present

Earl of Halifax

Mr Jenyns.	Mr Hamilton
Mr Sloper.	Mr Bacon.

* * * * * *

Read Sir Matthew Lamb's Report upon the Draught of a Bill prepared by the House of Representatives of the Province of the Massachusets Bay, *for relief of Bankrupts who have not finished their accounts;* and after some time spent in the consideration of the said Bill and Report, it was ordered, that the Draught of a Representation to His Majesty thereupon should be prepared, proposing that the Governor of that Province may have Orders to pass the said Bill into an Act.

Dunk Halifax."—"*Trade Papers,*" *vol.* 62, *p.* 71, *in Public-Record Office.*

"Tuesday March 11th 1760.

At a Meeting of His Majesty's Commissrs for Trade and Plantations

Present

Earl of Halifax

Mr Pelham.	Mr Jenyns.
Mr Sloper.	Mr Bacon.

The Draught of a Representation to His Majesty upon the Draught of a Bill prepared by the House of Representatives of Massachusets Bay *for relief of Bankrupts who have not finished their Accounts* &c. having been prepared pursuant to Order, was agreed to, and ordered to be transcribed."—*Ibid.*

"To the King's most Excellent Majesty

May it please Your Majesty.

We have had under our consideration the Draught of a Bill prepared by the

Council and Assembly of the Province of the Massachusets Bay in Novr last enti tuled, An Act for finishing such Commissions as have been begun to be acted upon & have not been finished, during the continuance in force of an Act providing Remedy for Bankrupts & their Creditors.

In Order to explain the nature and object of this Bill, and the intention of the Legislature in framing it, Thomas Pownall Esquire your Majesty's Governor of the said Province has represented to us, that Your Majesty's Royal Disallowance of the Act providing Remedy for Bankrupts, having, upon its arrival in June last, put an entire stop to all further proceedings under that Act, those Debtors, who had delivered up their persons and effects into the hands of Assignees, remain'd under cruel circumstances and their Creditors without equitable remedy: That many Debtors and Creditors having applied to him for relief and the Council and Assembly being averse to the passing of any Act with a Clause of Suspension, he had proposed and they agreed to this method of preparing the Draught of a Bill to be laid before Your Majesty for your Royal approbation.

We have referr'd this Bill to the consideration of Sir Mathew Lamb, one of Your Majesty's Counsel at Law, who has reported to us that 'he finds that an Act 'concerning Bankrupts and for the relief of their Creditors, formerly pass'd in this 'Province expired in the year 1716; and that in the following year 1717 an Act was 'passed to enable the Commissioners for Bankrupts Estates to finish the business 'of their Commissions. That the Act now proposed to be passed is of the like 'nature of the last mentioned Act of 1717 and seems to be as necessary for the 'purposes mention'd in the said Act; and that he has no objection thereto in point 'of Law.'

As therefore the object of this Bill appears to us to be equitable and necessary, and as the method which the Legislature has adopted for the attainment of the end proposed, is regular and conformable to your Majesty's Instructions, We beg leave humbly to lay the said Bill before Your Majesty, together with the annexed Copy of Governor Pownall's Letter to us concerning it, to the end that he may receive Your Majesty's Directions to give his Assent to the passing of the said Bill into a Law."—*Report of Lords of Trade, Mar.* 12, 1760: "*Mass. Bay*," *vol.* 85, *p.* 61, *in Public-Record Office.*

"Thursday June 12. 1760.

At a Meeting of His Majesty's Commissrs for Trade & Plantations.

Present

Earl of Halifax

Mr Jenyns. Mr Hamilton.

Mr Bacon.

* * * * * *

The Secretary laid before the Board an Order of His Majesty in Council of the 20th of May last, approving the Draught of a Bill prepared by the Legislature of the Massachusets Bay, entituled 'An Act for finishing such Commissions as have been 'begun to be acted upon and have not been finished, during the continuance in force 'of an Act providing Remedy for Bankrupts and their Creditors,' and directing the Governor to pass the same into a Law.

Ordered that the Secretary do transmit the said Order, together with a Copy of the Board's Representation to His Majesty upon the said Bill, to the Governor of the Massachusets Bay.

* * * * * *

DUNK HALIFAX."—"*Trade Papers*," *vol.* 62, *p.* 157, *in Public-Record Office.*

"Sir, I am directed by the Lords Commissrs for Trade and Plantations to send you the inclosed Order of his Majesty in Council on the 20th of May last, approving the Draught of a Bill prepared by the General Court of Massachusets Bay entitled An Act for finishing such Commissions as have been begun to be acted upon and have not been finished &c^{a} and directing you to pass the same into a Law.

I am also directed to send you the inclosed Copy of their Lordships Report to His Majesty upon this Bill, to the end you may be apprized of the Grounds and Reasons upon which the abovementioned Order was founded."—*See. Pownall to Gov. Bernard, June* 13, 1760: "*Mass. Bay, B. T.*," *vol.* 85, *p.* 65, *in Public-Record Office.*

Chap. 17. "Jan. 26, 1761. In the House of Representatives; The House taking into consideration his Excellency's Message of the 13th Instant passed the following Votes viz^{t}

Voted, That a Bill be brought in for providing a Truck Trade with the Indians at Fort Pownall, and at Fort Halifax as soon as may be. * * * * *

In Council Read and Concurred and Ordered That Thomas Hubbard Esqr with such as the honourable House shall join be a Committee to bring in a Bill providing for a Truck Trade with the Indians.

In the House of Representatives; Read and Concurred and Colo Phillips and Colo Clapp are joined in the Affair. Consented to by the Governor."—*Council Records, vol. XXIII., p.* 651.

"Jan. 31, 1761. In the House of Representatives; Ordered that Colo Prebble and Captain Lithgow be directed to carry on the Truck Trade at the Forts where they are stationed; till the further order of this Court, not exceeding one Year, and that the Law relating to that Affair be sent them for their direction therein.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 654.

Chap. 18. See notes to 1763-64, chapter 19, and 1767-68, chapter 12.

Chap. 20. "Dec. 18, 1760. In Council. Ordered, that the Hon^ble^ Thomas Hutchinson Esq^r^ Samuel Danforth, Samuel Watts, William Brattle, and Thomas Hubbard Esq^rs^ with such as the honourable House shall appoint be a Committee, to revise the Laws, relating to the Sabbath.

In the House of Representatives: Read and Concurred, and M^r^ Speaker, Col^o^ Clapp, Col^o^ Buckminster, Col^o^ Williams M^r^ Tyler, M^r^ Flucker, M^r^ Foster, Col^o^ Lawrence, Major Morey Cap^t^ Howard and Captain Richardson are joined in the Affair."—*Council Records, vol. XXIII., p.* 512.

"Jan. 28, 1761. In the House of Representatives: Ordered that the Secretary be directed to cause the Bill for making more effectual Provision for the due observation of the Lords day to be printed as soon as may be, and sent into the several Towns and Districts thrô the Province, and lodged with their Clerks or Selectmen.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 641.

"Ordered that the Draught of a Letter to the Governor of the Massachusetts Bay be prepared upon the three following points:—

First to signify to him that, as the Act 'for the better Observance of the Lord's Day,' does repeal three former Acts confirmed by the Crown, he ought not, in obedience to his Instructions, to have assented to it, without having first transmitted a Draught of it, or without having a clause of suspension inserted in it."—*From minutes of the Board of Trade, Feb. 2, 1762:* "*Trade Papers,*" *vol.* 64, *p.* 27, *in Public-Record Office.*

"It is necessary however we should observe to you, that as the Act for the better observation of the Lords Day does repeal other Acts passed for the same purpose in 1692, 1716 and 1727, all of which appear'd to have been confirm'd by the Crown, it was your duty in obedience to His Majesty's Instructions, not to have assented to an Act for rescinding the former Laws, without having first transmitted a Draught of it, for His Majesty's approbation, or without a Clause being inserted therein, suspending its execution, until His Majesty's pleasure could have been known.

We are not without approbation,* that the very few instances there are, in the administration of your Predecessors, of a due observance of that Instruction, to which this case refers, may have produced the like inattention in you; But as it appears to us that this Instruction is founded upon just constitutional principles of Government it ought never to be departed from, but in cases of real exigency, not admitting of the loss of so much time as would necessarily intervene between the passing of the Act and the notification of the Crown's assent to it.

This Act however does not come within that description and therefore you ought not to have assented to it, under the circumstances we have stated before the Crown's assent could have been known."—*Lords of Trade to Gov. Bernard, Feb.* 4, 1762: "*Mass. Bay, B. T., vol.* 86, *p.* 134, *in Public-Record Office.*

"I have just received Your Lordships letter dated Feb^ry^ 4^th^ and in regard to Your Lordships Observations on the Act for the better observation of the Lords Day, would lose no time in informing Your Lordships of what occurred to me in passing that Act.

I did not consider it to be a repealing Act, but rather a consolidating one: tho' when many Acts are reduced into one, it is expedient to repeal the others, yet if the substance of them is preserved in the New Act, the old ones are not virtually tho' formally repealed. If I had thought it to be within the spirit of the instruction and therefore to have required a suspending Clause, I must have negatived the Act, for such is the present prejudice against suspending Clauses, that they would give up an useful Act, which I take this to be, rather than agree to a suspending Clause and perhaps this may have been the reason why my predecessors have not strictly observed that instruction.

But tho' I think this an useful Act as it appears to me to be a quieting one, I am not so well satisfied with the Act additional to it which passed the next Session. And yet I could not negative it, because I could not avow the reasons of my disapprobation of it, which were founded on a suspicion that the Powers thereby granted to the Wardens was too great to be committed to officious and injudicious people, into whose hands it must sometimes fall, especially as an extraordinary show of zeal would often direct the choice."—*Gov. Bernard to Lords of Trade, May* 17, 1762: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 37, *in Public-Record Office.*

Chap. 22. "Nov. 19, 1761. In the House of Representatives: On a Motion made and seconded, Ordered That if any of the Tickets in a Lottery for the repairing the Causeway on the Westerly side of Sudbury River and for Building a Bridge over said River should remain unsold at the time that may be set by the Managers of said Lottery for drawing the same, Samuel Parris the Treasurer of the Town of Sudbury shall take such Tickets, the Profits of which shall be applied towards repairing the Causeway and the building the Bridge aforesaid and from time to time keeping the same in repair; and if there be any loss it shall be made good out of the clear Profits arising by said Lottery and the Tickets so remaining shall by the Managers be delivered into the hands of said Treasurer some time before they begin to draw. Provided always that the number of Tickets so left shall not exceed in value more than one half of the neat proceeds of said Lottery. In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIV., p.* 113.

"Jan. 16, 1762. In the House of Representatives. On a motion made and seconded, Ordered That if any of the Tickets in a Lottery for the repairing the Causeway on the Westerly side of Sudbury River and for building a Bridge over said

* Apprehension?

River shall remain unsold at the time that may be set by the Managers of said Lottery for drawing the same: Samuel Paris the Treasurer of the Town of Sudbury shall take such Tickets; the Profits of which shall be applied towards repairing the Causeway, and building the Bridge aforesaid, and from time to time keeping the same in repair; and if there be any Loss, it shall be made good out of the clear profits arising by said Lottery, and the Tickets so remaining shall by the Managers be delivered into the hands of said Treasurer some time before the begin to draw. Provided always That the neat proceeds or Profits of said Lottery shall not hereby be lessened more than five per cent of the whole; the Vote of this Court of 19th November last or any thing therein contained to the contrary Notwithstanding—In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 180.

Chap. 25. "This Act extends the power of the Superior Court at Falmouth to Cases not provided for or intended by the said Recited Act and whether it be necessary to give such Powers to the said Court without some reasons given for it, I must submit to Your Lordships judgment."—*Sir M. Lamb's report, May* 22, 1762: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 31, *in Public-Record Office.*

Chap. 29. See notes to chapter 20, *ante.*

Chap. 32. "April 6, 1761. A Petition of Jacob Wendell Esqr Setting forth—That by the late laying out the Streets in that part of the Town of Boston which was laid Waste by Fire, there is not sufficient Room allowed for the working the Pumps which belong to his Still House. And praying that there may be the necessary alteration made for that purpose.

In Council Read and Ordered That John Erving and James Bowdoin Esqrs with such as the honourable House shall join be a Committee to view the Premisses and Report.

In the House of Representatives; Read and Concurred and Colo Ward, Colo Phillips and Mr Flucker are joined in the Affair."—*Council Records, vol. XXIII., p.* 697.

"April 16, 1761. The Committee appointed the 6th Instant on the Petition of Jacob Wendell Esqr Praying for an alteration in one of the Streets in the Town of Boston as laid out since the Fire—reported in favour of said Petition; which Report was In Council Read and accepted; and Ordered that the Petitioner have leave to bring in a Bill accordingly.

In the House of Representatives; Read and Accepted."—*Ibid.*, *p.* 739.

Chap. 33. "Jan. 15, 1761. A Petition of William Williams Esqr Agent for sundry Towns in the County of Hampshire,—Praying the said County may be divided into two seperate and distinct Counties by the bounds therein described.

In the House of Representatives; Read and Ordered, That the Petitioner notify the several Towns in the County of Hampshire with Copies of this Petition, by inserting the substance thereof in the Boston News Papers three Weeks successively, that they shew Cause, if any they have, on the second Tuesday of the next Sitting of this Court, why the Prayer thereof should not be granted

In Council Read and Concurred."—*Council Records, vol. XXIII., p.* 601.

"April 8, 1761. A Petition of William Williams Esqr Praying for a division of the County of Hampshire, and for erecting a New County out of the same as entered 15: January last.

In Council Read again, and Ordered that Samuel Danforth and William Brattle Esqrs with such as the honourable House shall join be a Committee to take this Petition under Consideration, hear any of the Parties that may be attending and make Report.

In the House of Representatives; Read and Concurred and Colo Choate, Colo Murrey and Mr Belcher are join'd in the Affair."—*Ibid.*, *p.* 705.

"April 9, 1761. On the Petition of William Williams Esqr for the division of the County of Hampshire—In Council Ordered That Benjamin Lynde be added to the Committee

In the House of Representatives; Read and Concurred and Ordered that Mr Witt be added to the Committee,

In Council Read and Concurred."—*Ibid.*, *p.* 708.

"April 14, 1761. The Committee appointed to consider the Petition of William Williams Esquire in behalf of sundry Towns in the County of Hampshire, praying for a division of said County—Reported That the Prayer of the Petition be so far granted as that the Petitioner have liberty to bring in a Bill for dividing the said County of Hampshire according to a divisional Line mentioned in said Report.

(Signed) B. LYNDE } Com'r

In Council Read and Accepted

In the House of Representatives; Read and Concurred."—*Ibid.*, *p.* 726.

"Feb. 8, 1762. In the House of Representatives. It appearing to this Court that by the Law erecting the County of Berkshire no Provision is made for appointing a County Treasurer for said County.

Therefore Voted That Mark Hopkins of Great Barrington be, and he is hereby appointed Treasurer of the said County of Berkshire with full Power to do and transact all things that a County Treasurer by Law may do, and that before he enter upon his Office he be sworn before the Court of General Sessions in said County, or two Justices of the Peace Quorum Unus to the faithful discharge of his Office and to continue in said Office until the Towns in said County proceed to choose a County Treasurer agreeable to Law—In Council Read and Concurred Consented to by the Governor."—*Ibid., vol. XXIV., p.* 240.

"This Act has a Clause giving the like power as the first mentioned Act which I have taken notice of there, by impowering the Superior Court of the County of Hampshire to have jurisdiction and trial of all Actions &c. arising within the County of Berkshire, in the same manner as if they had arisen in the County of Hampshire."—*Sir M. Lamb's report, May* 22, 1762: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 31, *in Public-Record Office.*

Chap. 34. "April 7, 1761. In the House of Representatives Order'd that Major Ashley and Col° Partridge with such as the honourable Board shall join, be a Committee to bring in a Bill to incorporate the Plantation called Pontoosuck into a Town, with Town Priviledges. Also another Bill to incorporate the Plantation called N° 1. into a Town and also another Bill to incorporate the Plantation called N° 3. into a Town all lying in the County of Hampshire.

In Council Read and Concurred and Israel Williams Esq^r^ is join'd in the Affair."—*Council Records, vol. XXIII., p.* 700.

"My Lords, Your Lordships will observe among the Acts of Assembly passed here in April last one for erecting part of the County of Hampshire into a new County called Berkshire and another for erecting a Plantation called Pontoosuck into a Town by the name of Pitsfield. Together with the Bill for the new County were sent up for my consent five* other bills constituting New Townships 4 whereof are within the County of Berkshire. As these bills were wholly silent about these Towns sending Members, I by a Message informed the House of my instruction on that subject and desired they would alter the Bills so that I might be able to pass them (See Votes 354) This produced some popular harangues which ended in an Answer to my Message as in the Votes 360. The Towns themselves were willing to waive their right of sending Representatives, but some gentlemen in the House opposed the allowing them to waive their priviledge, the result of which was I rejected four of the Bills but in regard to Pontoosuck, the circumstances were so distinguishing that I could not so easily get rid of that. This Town was appointed immediately one of the two County Towns and from its situation and other advantages will probably be the only County Town. In favor of this Town's sending a Representative it was averred that it was not intended by that Instruction to prevent new settled Counties being represented but only to put a stop to multiplying Representatives in the old Counties; And that this has been understood in regard to Pownalborough the chief Town in the new County of Lincoln, which it was expected would soon be allowed to send a Member I could not either admit or contradict this and therefore I took a middle way I passed the bill upon their adding a Clause suspending the Election in 1763. By these means if Your Lordships should disapprove it's sending a Representative there will be time enough for the condemning the Bill before the right takes place. But I flatter myself that your Lordships will not disapprove of this Town's sending a Representative. With this one included the County will have but 3 Representatives, and as it promises to fill very fast will probably soon have occasion to petition for more. I hope however, if I should be wrong, the caution with which I have proceeded will in part excuse me. 1759–60, chap. 23, and note.

It seems plain to me that the prohibiting instruction had its rise from a practice which had prevailed of dividing Towns and thereby increasing the Members in the Old Counties and was chiefly intended against that. It is also obvious that the new Settled Counties have a right to be represented. But yet there is such danger to be apprehended from the house of Representatives continually increasing that it is time to put a stop to it by some means, tho' it were to be wished that it could be done without denying new Settlers the natural and constitutional right of being represented. The increase of the number of Representatives seems to endanger the Constitution itself. By the Charter the Council and by usage many other Officers are elected by the Council and Representatives voting promiscuously. In the year 1718 there were but 91 Writs issued, in 1692 when the Charter was opened probably not above 84, Now there is near 170 And yet the Council keeps its old Number of 28, So that the Assembly were to the Council at the time of their first Meeting as 3 to 1 now they are 6 to 1 and consequently the Councils share in Elections is diminished by half. It is also known by experience, that a large number of people do not dispatch the public business so well as a more confined number would do, And yet I fear it will be found very difficult to persuade the Assembly to reduce their number to purpose, although it would be very agreeable to many Towns to be discharged from the expense of sending a Member, or what would be more proper, several Towns might be united into one borough, as in Scotland. Something of this kind should be done, before any considerable addition of Members should be made from the New Counties.

The Assembly has since got over the difficulty of suspending the right of sending Representatives in the bills for erecting Townships. In the bills of the last Session may be seen several instances of that clause being inserted, but they are not in a new County, excepting one which is taken out of an old Town."—*Gov. Bernard's letter to Lords of Trade, Aug.* 3, 1761: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 26, *in Public-Record Office.*

"Thursday November 19. 1761.
At a Meeting of His Maj^ty's^ Commiss^rs^ for Trade and Plantations.
Present.
Lord Sandys.

M^r^ Jenyns.	M^r^ Bacon.
S^r^ Edm^d^ Thomas.	M^r^ Rice.

* Colrain, in Hampshire, and Pittsfield, Tyringham [No. 1.], Sandisfield [No. 3.], and Becket [No. 4.], in Berkshire, county.

* * * * * *

Read a letter from Francis Bernard Esq^re, Governor of Massachusets Bay dated August 3. 1761, containing his sentiments upon the inconveniencies likely to follow from the continual increase of the number of Representatives.

Their Lordships took the said Letter into consideration and several parts of the Royal Charter of the Massachusets Bay and also some Clauses in an Act passed in that Province in 1692, for ascertaining the number of Representatives in Assembly, having been read, their Lordships after some time spent in deliberation upon the subject matter of Gov^r Bernard's Letter, agreed to take the same into further consideration at another opportunity.

SANDYS."—"*Trade Papers*," *vol.* 63, *p.* 371, *in Public-Record Office.*

"Tuesday November 24. 1761.

At a Meeting of His Maj^ty's Commissrs for Trade and Plantations

Present.

Lord Sandys.

M^r Jenyns.	M^r Bacon.
S^r Edm^d Thomas.	M^r Rice.

* * * * * *

Their Lordships took into further consideration the Letters and Papers lately received from the Governor of the Massachusets Bay and the Draught of a Letter to him, in answer thereto, was approved and ordered to be transcribed.

* * * * * *

SANDYS."—*Ibid.*, *p.* 378.

"Sir, We have received your Letters to us dated the 3^rd 6^th and 27^th of August last, and the Papers transmitted with them.

The subject matter of the first of these Letters is of so great importance, and so many Doubts and Questions have occurred to us upon a consideration of those parts of the Charter and of the Act of 1692, which relate to the Constitution of the House of Representatives that We do not care hastily to pass a Judgment upon it; We are convinced however that the directions contained in the 40^th Article of his late Majesty's Instructions to you, were by no means a proper Remedy to the Evil complained of, and have therefore omitted it in the Draught approved and signed by his present Majesty, intending when the Act for establishing the Township of Pittsfield shall come before us, to take that opportunity of laying before his Majesty our Sentiments at large upon this matter; In the mean time We cannot but be of opinion that those Acts for erecting Townships which are totally silent as to the right of choosing a Representative, are most consistent with the Constitution as settled by the Act of 1692 by which the Circumstances under which each Township shall elect one or more Representatives are fixed and ascertained."—*Lords of Trade to Gov. Bernard, Nov.* 25, 1761: "*Mass. Bay, B. T.*," *vol.* 86, *p.* 130, *in Public-Record Office.*

"Feb. 23, 1762. The Secretary by order of his Excellency the Governor went down to the House of Representatives with the following Message viz^t

Gentlemen of the House of Representatives

In the last Session of the last General Court, I laid before the House an Instruction concerning passing Bills for erecting Townships, whereby I was disallowed from passing any Bill of that kind without a clause to suspend the right of sending a Representative: But as it seemed to me that this instruction was rather calculated to prevent the multiplying Representatives in the old Counties, than intended to hinder the new Counties from being represented at all: I submitted this matter to the Lords of Trade in such a manner that they have been pleased to recommend the omission of that instruction in the Sett I have received from his present Majesty, and I am accordingly discharged from it. FRA BERNARD."—*Council Records, vol. XXIV., p.* 286.

"There is a saving in this Act that the Township thereby erected shall not have liberty to send a Representative to the General Court until the General Election in May 1763, I submit to Your Lordships if such power should be allowed of by Act of Assembly without proper directions being first had for that purpose."—*Sir M. Lamb's report, May* 22, 1762: "*Mass. Bay, B. T.*," *vol.* 78, *L. l.*, 31, *in Public-Record Office.*

"Sir, His Majesty's Counsel at Law, appointed for the service of this Board, having made his Report to us upon the Acts of the Province of the Massachusetts Bay passed in April, June and July 1761, We have had them under our consideration and as they do, for the most part, relate to the internal Police* and more private œconomical concerns of the Province, nothing material has occurred to us upon any of them, except the Acts which are for incorporating and establishing new Counties and Towns, more particularly those for incorporating the County of Berks and Town of Pittsfield, mentioned in your letter to us of the 3^rd of August 1761.

We entirely agree with you in Opinion that the great increase of the House of Representatives, whilst the number of the Council remains fixed and unalterable, must, from the nature and form of the Constitution as established by the Charter, have very pernicious consequences, and destroy that Balance which we presume was originally intended to be kept up between the Upper and Lower House of Assembly.

It appears however to us to be an evil resulting from the original frame of the Constitution in what regards the right of the people to choose Representatives, laid down in the Charter itself and in the Act of the 4^th of W^m and Mary Cap. 19 which was founded upon the Charter and has been confirmed by the Crown, and there-

* Policy?

fore We much doubt the Propriety of any measures on the part of Government which might have the effect to restrain the operation of those fundamental Principles of the Constitution.

In this view and consideration of the Question, it seems to us, that the Remedy to the Evil must lye in the discretion of the Constituent Parts of the Government, and which we observe with pleasure have, in many cases where Townships have been divided in the old Settlements given the part set off all the Privileges of Incorporation, except that of choosing a Representative. All therefore that we can do upon this occasion is to recommend to you to take care that in every future division of a Township by Act of Legislature you do use your best endeavours either that the Part set off be so formed as that it will have all the benefit of incorporation without being entitled under the Charter or the Act of 1692 to choose a Representative or that if its circumstances be such as that it is absolutely necessary to be incorporated as a Township, there be the like Clauses of Exceptions as those We have just mentioned or that the Inhabitants be directed to join in the choice of a Representative with those of the Township from which they have been set off.

As to those Settlements in the Eastern Parts of the Province, which from an increase of inhabitants are become entitled to incorporation, they have, in our opinion, a clear indisputable right to be represented in Assembly, not only in virtue of the Charter and the Act of 1692, but of those Principles of reason and justice, which require that they should have some share in the formation of those Laws, by which they are to be bound and governed, and therefore We cannot disapprove of the Act for erecting the Town of Pittsfield, commending however the caution and prudence with which you acted in taking care that the right of choosing a Representative should not take place till His Majesty's pleasure might be known upon the Act."—*Lords of Trade to Gov. Bernard, June* 11, 1762 : *ibid., vol.* 86, *p.* 139.

See, further, notes to 1762–63, chapter 8, and 1765–66, chapter 23, *post.*

ACTS,

PASSED 1761–62.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-seventh day of May, A.D. 1761.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his excellency, Francis Bernard, Esquire, captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of government. [*Passed June* 5 ;* *published July* 11.

Grant of £1,300, for the support of his majesty's governor.

CHAPTER 2.

AN ACT TO PREVENT SOLDIERS AND SEAMEN IN HIS MAJESTY'S SERVICE FROM BEING ARRESTED FOR DEBT.

For the more speedy and effectual levying of soldiers, and to prevent their being arrested for debt, or their defrauding the government of the bounty they may receive,—

Preamble. 1759-60, chap. 18.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That no person who is or shall be engaged in his majesty's service, and in the pay of this province, either as a non-commission officer, private soldier, or seaman, shall, during his continuance therein, be liable to be taken out of his majesty's service, by any process or execution (unless for some criminal matter), for any sum under the value of ten pounds sterling; nor for any greater sum, until oath shall be made, by the plaintiff or plaintiffs, before one of the justices of the court out of which the execution or process shall issue, or before two justices of the peace, *quorum unus*, in the county where the plaintiff or plaintiffs may happen to be, that, to his or their knowledge, there is, *bonâ fide*, due from such person as the process or execution is desired to issue against, the sum of ten pounds sterling, at least, and was due on the fourth day of April last; nor, in either of the cases aforesaid, shall the soldier or soldiers be taken out of said service (in causes criminal only excepted), unless the plaintiff or plaintiffs, or the person in

Soldiers and seamen in his majesty's service not liable to be arrested.

* Signed July 11, according to the record.

whose favour the execution issued, shall pay the bounty money the said soldier received, unto the justice or justices who shall administer the oath aforesaid; in which case said justice or justices shall forthwith transmit the same to the treasurer of the province, particularly mentioning for whom said bounty money was paid; said sum to be recovered, in the case aforesaid, of the soldier, by action of debt brought therefor by the person that paid the same: and every non-commission officer, private soldier, or seaman, whose body, contrary to the true intent of this act, shall be arrested, by mean process or execution, after his being inlisted into said service, may and shall be set at liberty, by any two justices of the peace, *quorum unus*, or by one of the justices of the court where such process issued, upon application made by him or his superiour officer, and proof of his being entred into the service aforesaid.

[SECT. 2.] And when it shall so happen that any non-commission officer, private soldier, or seaman, shall be actually committed to goal on any execution, and shall be liberated as aforesaid, after his being dismissed from said service the clerk of the court from whence the execution issued may and hereby is enjoined to give an *alias* execution, upon the creditor's application therefor.

Provided, nevertheless, and it is the true intent and meaning of this act,—

Proviso.

[SECT. 3.] That no such non-commission officer, private soldier, or seaman, as aforesaid, shall have his person exempted from arrests for any sum or sums due for the publick tax for the year one thousand seven hundred and sixty, anything in this act to the contrary notwithstanding.

[SECT. 4.] This act to continue and be in force during the continuance of the present war with the French. [*Passed June* 6; * *published July* 11.

CHAPTER 3.

AN ACT TO IMPOWER THE PROVINCE TREASURER TO DRAW BILLS OF EXCHANGE UPON THE AGENT OF THE PROVINCE, IN GREAT BRITAIN.

Preamble.

WHEREAS the parliament of Great Britain has made a grant of two hundred thousand pounds sterling, to enable his majesty to recompence his northern colonies in America, for their military services in the year one thousand seven hundred and fifty-nine, a proportion of which grant, it is humbly expected, will be assigned this province,—

Be it enacted by the Governor, Council and House of Representatives,

Province treasurer empowered to draw bills of exchange, on the agent, for a sum not exceeding £60,000, on certain conditions.

[SECT. 1.] That the province treasurer be and he hereby is impowered and directed to draw bills of exchange on William Bollan, Esq., agent for said province in Great Britain, or, in case of his death or absence, on Barlow Trecothick, Esq., for a sum not exceeding sixty thousand pounds sterling; and the said bills shall be drawn on the following conditions; viz., that for every hundred pounds sterling for which such bills shall be drawn, one hundred and thirty-six pounds lawful money of this province shall be paid into the province treasury; that such bills shall be drawn, payable to the persons purchasing the same, or to their order, at thirty days' sight; but if the province agent, or, in case of his death or absence, Barlow Trecothick, Esq., at the expiration of the thirty days, shall not have received the province's

* Signed July 11, according to the record.

proportion of the grant aforesaid, then interest shall be allowed, from the expiration of said thirty days, at the rate of six per cent per annum until paid: and such bills shall not be protested until twelve months shall be expired from their respective dates; and in case of their being returned protested, after the expiration of said twelve months, the province treasurer shall repay the sums received into the treasury for such bills, with lawful interest from their respective dates, but shall not be liable to pay any cost or damages on account of the protesting such bills: said bills to be of the form following; viz.:—

Form of the bill of exchange.

Exchange for £ sterling. (No.), Boston, , 1761.

Sir,

At thirty days' sight of this my first per exchange (second, third and fourth, of the same tenor and date, unpaid), pay unto , or order, pounds sterling, for value received, and charge it to the province of the Massachusetts Bay; but if it is not paid at said thirty days' sight, then pay interest on that sum, from the expiration of said thirty days until paid, at the rate of six pounds per cent per annum; and if this bill and interest is not paid in one year from the date hereof, I hereby oblige myself, and successors in the office of treasurer of the province of the Massachusetts Bay, to pay said bill, with interest from the date of it, at the above rate, until paid, when it shall be returned with a protest into the office aforesaid, but no other charges or damages: *provided*, that, if payment shall not be demanded within six month after the date of said protest, the interest shall, from that time, determine and cease.

H. G., Province Treasurer.

To William Bollan, Esq., agent for the province of the Massachusetts Bay, in London, or, in case of his death or absence, to Barlow Trecothick, Esq.

And be it further enacted,

Treasurer to prepare a roll for receiving subscriptions, &c.

[Sect. 2.] That the province treasurer shall and he hereby is directed to prepare, forthwith, a roll for receiving subscriptions for the bills aforesaid, of which he shall give public notice, that all persons inclining may become subscribers. And the said subscription-roll shall lie open to be subscribed, until the first day of July, one thousand seven hundred and sixty-one; at which time, if a greater sum than sixty thousand pounds, aforesaid, shall be subscribed, each subscriber shall be intitled to such a part of said proportion, in bills, as his particular subscription shall bear to the whole sum subscribed.

Provided, always,—

No person to subscribe for more than £1,000, or less than £100.

[Sect. 3.] That no person shall be permitted to subscribe for more than one thousand pounds, or less than one hundred pounds, sterling; nor shall any persons be admitted to subscribe, but such as are inhabitants of this province, until the said first day of July next, when, if the sum subscribed shall appear to be less than the sixty thousand pounds sterling, any persons whatsoever shall be allowed to become subscribers for the remainder, and in such sums as they may think proper, preference being given to the inhabitants of this province.

And be it further enacted,

If the sum subscribed for be not paid into the treasury in ten days after notice given, other subscribers may be admitted.

[Sect. 4.] That if the sums subscribed, as aforesaid, shall not be paid into the province treasury within ten days after public notice, given by the treasurer in the Boston Monday's newspapers, that he is ready to draw the bills as aforesaid, then he shall allow any person or persons whatsoever to become subscribers, in room of those who shall neglect to pay their subscriptions until the expiration of the ten days aforesaid; and such new subscribers shall be intitled to such bills upon their paying for them at the rate aforesaid. [*Passed June* 17; * *published July* 11.

* Signed July 11, according to the record.

CHAPTER 4.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF FORTY-NINE THOUSAND ONE HUNDRED POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLICK DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Preamble.

WHEREAS it is necessary that provision be made by the general court for discharging the debts of the present and preceeding years,—

Be it enacted by the Governor, Council and House of Representatives,

Treasurer empowered to borrow £49,100.

[SECT. 1.] That the treasurer of the province be and hereby is impowered and directed to borrow, from such person or persons as shall be willing to lend the same, a sum not exceeding forty-nine thousand one hundred pounds, in mill'd dollars at six shillings each, or in other coined silver at six shillings and eightpence per ounce; and the sum so borrowed shall be applied in manner as in this act is hereafter directed: and for the said sum the treasurer shall give his receipt or obligation in the form following:—

Form of the receipt.

Province of the Massachusetts Bay, the day of . Received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer to repay the said or order, the day of , one thousand seven hundred and sixty-three, the aforesaid sum of , in coined silver at six shillings and eightpence per ounce, or Spanish mill'd dollars at six shillings each, with interest, annually, at the rate of six per cent per annum. H. G., Treasurer.

—and no receipt shall be given for less than six pounds.

And be it further enacted,

£20,000 for the late Canada expedition.

[SECT. 2.] That the aforesaid sum of forty-nine thousand one hundred pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, the sum of twenty thousand pounds, part of the aforesaid sum of forty-nine thousand one hundred pounds, shall be applied for compleating the payment of the expences of the expedition against Canada the last year;

£3,500 for forts and garrisons.

and the further sum of three thousand five hundred pounds, part of the aforesaid sum of forty-nine thousand one hundred pounds, shall be applied for the payment of the expences of the several forts and garrisons within this province;

£1,600 for provisions, &c.

and the further sum of one thousand six hundred pounds, part of the aforesaid sum of forty-nine thousand one hundred pounds, shall be applied for purchasing provisions and the commissary's disbursments for the service of the several forts and garrisons within this province;

£5,000 for grants.

and the further sum of five thousand pounds, part of the aforesaid sum of forty-nine thousand one hundred pounds, shall be applied for the payment of the grants made or to be made by this court;

£1,500 for debts where there is no establishment, &c.

and the further sum of fifteen hundred pounds, part of the aforesaid sum of forty-nine thousand one hundred pounds, shall be applied for the discharge of debts owing from this province to persons that have served or shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose, and for paper, writing and printing for this court, and repairs of the province-house, court-house, light-house, wood at Castle William, and repairs of fortifications within this province;

£3,000 for pay of counsellors, &c.

and the further sum of three thousand pounds, part of the aforesaid sum of forty-nine thousand one hundred pounds, shall be

applied for the payment of his majesty's council and house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of four thousand pounds, part of the aforesaid sum of forty-nine thousand one hundred pounds, shall be applied for the payment of the charge of maintaining armed vessels of war belonging to this province; and the further sum of ten thousand pounds, part of the aforesaid sum of forty-nine thousand one hundred pounds, shall be applied for paying an additional bounty to the soldiers employed in the service of the present year; and the further sum of five hundred pounds, being the remainder of the said sum of forty-nine thousand one hundred pounds, shall be applied to pay such contingent and unforeseen charges as may arise, and for no other purpose whatsoever.

£4,000 for armed vessels.

£10,000 for an additional bounty.

£500 for contingent charges.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon), by him given in pursuance of this act,—

Preamble.

Be it enacted,

[Sect. 3.] That there be and hereby is granted unto his most excellent majesty a tax of fifty-five thousand pounds, to be levied on polls, and estates both real and personal within this province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly at their sessions in May, one thousand seven hundred and sixty-two, and to be paid into the public treasury on or before the last day of March then next after.

Tax of £55,000 granted.

And be it further enacted,

[Sect. 4.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-two, and some time before the tenth day of June in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

Rule for apportioning the tax, in case no tax act shall be agreed on.

[Sect. 5.] And the province treasurer is hereby fully impowred and directed, some time in said month of June, in the same year, one thousand seven hundred and sixty-two, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act.

And be it further enacted,

[Sect. 6.] That the treasurer pay the sum of forty-nine thousand one hundred pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts, after payment thereof.

Treasurer to conform to the appropriations, &c.

Provided, always,—

[Sect. 7.] That the remainder of the sum which shall be brought into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes

Proviso.

and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed June* 22; * *published July* 11.

CHAPTER 5.

AN ACT ESTABLISHING A WATCH FOR THE SAFETY AND BETTER SECURING THE GOOD ORDER OF THE TOWN OF BOSTON.

Preamble.

WHEREAS the town of Boston have petitioned this court for their aid, by some act, to enable said town by a watch to secure themselves, by night, against disorders and damage from evil-minded persons or otherwise; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Selectmen to appoint watchmen, their number not to exceed thirty.

[SECT. 1.] That the selectmen of the town of Boston, for the time being, be impowered, and they are hereby authorized and impowered, to appoint such a number of their inhabitants to be watchmen, by night, in the town of Boston, as they shall judge convenient, not exceeding thirty; the town of Boston agreeing to defrey the charge. And the selectmen shall appoint one, of each division of the watch, to be head or constable of that part of the watch; which head is hereby required to keep an account of their doings, and how they find the state of the town, and report to the selectmen once every week, and oftner if required; which watchmen shall have the same power, and be obliged to the same service and duty, as given and required to and from the watchmen of the several towns of this province, in general, by the acts of the general court, of 11th of King William, Chap[r][7th][*VII.*], and of the 11th of Queen Anne, Chap[r][6th][*VI.*].

Said watchmen to be accountable for their doings, to the selectmen.

1699-1700, chap. 10.

1712-13, chap. 4.

And, to render the care and labour of the said watch more effectually conducive to the peace, safety and good order of said town of Boston,—

Be it further enacted,

Penalty for opposing or resisting the watch.

[SECT. 2.] That all and every person or persons who shall oppose or resist the said watchmen in the discharge of their service and duty, or strike, abuse or wound them, or any of them, shall severally forfeit and pay for the use of the said town, to be appl[y][*i*]ed towards discharging the wages of the watch, a sum not exceeding five pounds, nor less than forty shillings, besides being liable to an action for all damages to the person or persons abused or wounded; and any two justices of the peace in the county of Suffolk, *quorum unus*, are hereby authorized to hear and determine the same.

And, forasmuch as considerable numbers of dissolute persons have sometimes riotously met and opposed the watch,—

It is further declared and enacted,

Watchmen empowered to demand aid, &c., and penalty for refusing.

[SECT. 3.] That the said watchmen shall be authorized and impowered, and they hereby are authorized and impowered, to demand aid and assistance; and all and every person or persons refusing to assist him or them of the watch demanding help, shall forfeit and pay a fine of forty shillings, to and for the use of the said town of Boston, to be applied for the payment of the watch as aforesaid: the several forfeitures to be recovered by plaint or information.

Limitation.

[SECT. 4.] This act to continue and be in force for the space of three years from and after the first day of July [next][*current* †], and no longer. [*Passed June* 30; * *published July* 11.

* Signed July 11, according to the record.

† So printed in the edition of 1763, but "next" in the printed sessions-acts.

CHAPTER 6.

AN ACT TO INVEST THE COMMITTEE OF THE SECOND PRECINCT IN REHOBOTH WITH CORPORATE POWERS FOR CERTAIN PURPOSES THEREIN MENTIONED.

Preamble.

Whereas the second precinct in Rehoboth, whereof the Reverend Mr. Robert Rogerson is the present pastor, have humbly supplicated this court, setting forth that, by the sale of certain lands they were by this court impowered to sell, they have now the sum of six hundred pounds, and that, by a voluntary subscription among themselves, they can raise the sum of four hundred pounds more; which sums, making together one thousand pounds, they pray may be placed at interest, and the annual interest forever appropriated to the support of a Congregational or Presbyterian minister within said precinct,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Committee declared a body corporate.

[Sect. 1.] That Thomas Carpenter, Stephen Moulton, Ephraim Hunt, Daniel Bliss and Nathan[i][a]el Bliss, the present committee of the said precinct, and those which shall be annually hereafter, forever, chosen by the said precinct to the same office, shall be and are hereby declared a body corporate, by the name of the trustees of the second parish of Rehoboth; and they are hereby incorporated to this special purpose; to wit, when the said sum of one thousand pounds shall be compleatly raised, to receive the same, and to let the same to interest, on good security, real or personal, as they, or the major part of them, shall judge fit; and all bonds, mortgages, or other lawful[l] securities, made to the said Thomas Carpenter, Stephen Moulton, Ephraim Hunt, Daniel Bliss and Nathanael Bliss, or their successors aforesaid, shall be understood to be valid; and they or their successors, or the major part of either of them, by the incorporate name aforesaid, may appear and plead, sue and defend, in any court within this province, in all matters touching such securities.

Trustees empowered to sue and defend.

And be it further enacted,

Interest money appropriated.

[Sect. 2.] That the interest annually arising from the said principal sum shall be paid to a minister of a Congregational church, resident and officiating in the work of the ministry within the precinct, forever; and if it shall ever hereafter happen that there shall be no minister of a Congregational church, settled within the said precinct, for the space of one year, in every such case the interest arising shall be put out to interest on new security; and all such increased capital shall be ordered and managed according to the directions hereinbefore given respecting the said principal sum. And the said Thomas Carpenter, Stephen Moulton, Ephraim Hunt, Daniel Bliss and Nathanael Bliss, and their successors aforesaid, are hereby incorporated, impowered and directed, with respect to the said increased capital, as they are, hereinbefore, with respect to the said sum of one thousand pounds.

And be it further enacted,

Precinct committee confirmed, in case.

[Sect. 3.] That if, at any time, the said precinct shall, at the annual season of the year, neglect to ch[oo][u]se a precinct committee, the committee then last before chosen shall continue vested with all the powers and priviledges aforesaid until[l] new ones be chosen.

And be it further enacted,

To be accountable to the precinct.

[Sect. 4.] That the said committee and their successors shall be accountable to the said precinct, and may, by them, for any misdemeanor in their office aforesaid, be removed from their said trust, and new ones appointed in their stead. [*Passed June* 30; * *published July* 11.

* Signed July 11, according to the record.

CHAPTER 7.

AN ACT FOR INCORPORATING THE PLANTATION CALLED COLD SPRING, INTO A TOWN BY THE NAME OF BELCHER'S TOWN.

Preamble.

WHEREAS the inhabitants of the plantation of Cold Spring, lying in the county of Hampshire, labour under many difficulties and inconveniencies by means of their not being a town; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

The plantation called Cold Spring erected into a town by the name of Belcher's Town.

[SECT. 1.] That the said plantation, commonly called and known by the name of Cold Spring, bounding, easterly, on Swift River; south, on Swift River, partly, and partly on Palmer; westerly, partly on Springfield, and partly on Hadley; and north, on Pelham; be and hereby is erected into a town by the name of Belcher's Town; and that the said town be and hereby is invested with all the powers, priviledges and immunities that any of the towns of this province do or may, by law, enjoy, that of chusing and sending a representative to the general court only excepted.

And be it further enacted,

Eleazer Porter, Esq., empowered to issue his warrant for the choice of town officers.

[SECT. 2.] That Eleazer Porter, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the said plantation, requiring him, in his majesty's name, to warn and notify the said inhabitants, qual[l]ified to vote in town affairs, that they meet together, at such time and place, in said plantation, as, by said warrant, shall be appointed, to chuse such officers as may be necessary to manage the affairs of said town; and the inhabitants, being so met, shall be and hereby are impowered to chuse such officers accordingly. [*Passed June* 30; * *published July* 11.

CHAPTER 8.

AN ACT FOR ERECTING THE PLANTATION CALLED ROADTOWN, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF SHUTESBURY, AND CAUSING THE DELINQUENT SET[*T*]LERS TO FULFIL THE CONDITIONS OF THEIR GRANT.

Be it enacted by the Governor, Council and House of Representatives,

The plantation called Roadtown, made a town by the name of Shutesbury.

[SECT. 1.] That the said plantation be and hereby is erected into a town, by the same limits which are now the boundaries of the said plantation, by the name of Shutesbury; and that the said town be invested with all the powers, priviledges and immunities that towns in this province do or may, by law, enjoy, that of sending a representative to the general assembly only excepted.

And be it further enacted,

Eleazer Porter, Esq., empowered to issue his warrant for calling a meeting for the choice of town officers.

[SECT. 2.] That Eleazer Porter, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town of Shutesbury, requiring him to notify and warn the inhabitants of the same town, qualified, by law, to vote in town meetings, to meet at such time and place as shall be therein set forth, to ch[oo][*u*]se all town officers which, by law, towns in this province are impowered and enjo[*y*][*i*]ned to ch[oo][*u*]se.

* Signed July 11, according to the record.

And be it further enacted,

[Sect. 3.] That those persons, to whom any grant of lands in the above-named plantation of Roadtown were made, on conditions of settlement, who have hitherto neglected to fulfil[l] the conditions of said grants, shall be allowed three years more, to be reckoned from the first of July next, to perform the conditions of their grants, before the said grants shall be forfeited for non-performance of the conditions thereof. [*Passed June* 30;* *published July* 11.

Time allowed for fulfilling the condition of grants.

CHAPTER 9.

AN ACT FOR ERECTING THE NORTH PARISH, OR PRECINCT, IN THE TOWN OF SHEFFIELD, INTO A SEPARATE TOWN BY [BY] THE NAME OF GREAT BARRINGTON.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said north parish, or precinct, be and hereby is erected into a separate and distinct town, by the same limits and boundaries which are now the boundaries of the said parish, by the name of Great Barrington; and that the said town be invested with all the powers, priviledges and immunities that towns in this province do or may, by law, enjoy, that of sending a representative to the general assembly only excepted; and that the said town shall have full liberty and right, from time to time, to join with the town of Sheffield in ch[oo][*u*]sing a representative to represent them at the general assembly, who may be chosen, indifferently, out of either of the said towns; and that the said town of Great Barrington shall, from time to time, be at their proportionable part of the expence of such representative: and the freeholders and other inhabitants of Great Barrington shall be notified of the time and place of election, with the inhabitants of the town of Sheffield, by a warrant, from the selectmen of Sheffield, directed to the constable of Great Barrington, requiring him to warn them, for that purpose, at the time and place by them assigned; which warrant[*s*] shall be duly served and seasonably returned by said constable of Great Barrington.

The North Parish of Sheffield erected into a separate town by the name of Great Barrington. 1733-34, chap. 1.

Their powers and privileges.

Provided, nevertheless,—

And be it further enacted,

[Sect. 2.] That the said town of Great Barrington shall pay their proportion of all town, county and province taxes, already set[t] on or granted to be raised by said town of Sheffield, as if this act had not been made.

Proviso.

And be it further enacted,

[Sect. 3.] That Joseph Dwight, Esquire, be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town of Great Barrington, requiring him to notify and warn the inhabitants of the same town, qualified, by law, to vote in town meetings, to meet at such time and place as shall be therein set[t] forth, to ch[oo][*u*]se all town officers which, by law, towns in this province are impowered or enjo[y][*i*]n[']d to ch[oo][*u*]se.

Joseph Dwight, Esq., empowered to issue his warrant for calling a meeting for the choice of town officers.

And whereas, in and by an act made and pass[e]'d in the first year of his present majesty's reign, erecting and establishing a new county in the westerly part of the county of Hampshire, by the name of Berkshire, it is amongst other things enacted, "that Sheffield, for the pres-

Preamble. 1760-61, chap. 33, §§ 1, 8, and 2.

* Signed July 11, according to the record.

ent, be the shire town of said county of Berkshire, and that the office of register of deeds be kept in the north parish in said Sheffield, and also, that yearly, and in every year, there shall be held and kept a court of general sessions of the peace, and an inferio[u]r court of common pleas, at the north parish in Sheffield, on the last Tuesday of April, and first Tuesday of September;" now, to prevent any difficulties that may arise,—

Be it enacted,

Great Barrington to be the shire town, &c.

[SECT. 4.] That the town of Great Barrington, for the present, shall be the shire town of said county of Berkshire, and the register's office be there kept; and that the courts of general sessions of the peace and inferiour court of common pleas, appointed to be held and kept at the north parish in Sheffield, aforesaid, be held and kept in the town of Great Barrington, on the last Tuesday of April, and first Tuesday of September, annually; anything in the before recited and mentioned act to the contrary notwithstanding. [*Passed June* 30;* *published July* 11.

CHAPTER 10.

AN ACT FOR INCORPORATING THE PLANTATION CALLED COLRAIN, INTO A TOWN BY THE NAME OF COLRAIN.

Preamble.

WHEREAS the new plantation of Colrain, lying in the county of Hampshire, is competently filled with inhabitants, and labour under great difficulties and inconveniencies by means of their not being a town; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Plantation called Colrain, erected into a town by the name of Colrain.

[SECT. 1.] That the said new plantation, commonly called and known by the name of Colrain, lying on the north-west of Deerfield, in the county of Hampshire, according to the bounds by which it was established by the general court, be and hereby is erected into a town by the name of Colrain; and that the said town be and hereby is invested with all the powers, priviledges and immunities that any of the towns of this province do or may, by law, enjoy, that of sending a representative to the general court only excepted.

Provided,—

Proviso.

[SECT. 2.] That nothing in this act shall be understood, or so construed, as in any manner to supersede or make void any order or orders of this court, now in force, respecting the method of making assessments within said plantation in time past, but that the same shall remain and be as effectual as if this act had not been made.

And be it further enacted,

Elijah Williams, Esq., empowered to issue his warrant for calling a meeting for the choice of town officers.

[SECT. 3.] That Elijah Williams, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the said plantation, requiring him, in his majest[ie][y']s name, to warn and notify the said inhabitants, qual[l]ified to vote in town affairs, that they meet together, at such time and place, in said plantation, as, by said warrant, shall be appointed, to chuse such officers as may be necessary to manage the affairs of said town; and the inhabitants, being so met, shall be and hereby are impowered to chuse such officers accordingly. [*Passed June* 30;* *published July* 11.

* Signed July 11, according to the record.

CHAPTER 11.

AN ACT TO PREVENT THE UNNECESSARY DESTRUCTION OF THE FISH CALLED ALEWIVES, IN THE TOWN OF HINGHAM, IN THE COUNTY OF SUFFOLK, AND TO ENABLE THE SAID TOWN TO REGULATE AND ORDER THE TAKING AND DISPOSING THE SAME.

Preamble. 1735–36, ch. 21. 1741–42, ch. 16. 1754–55, ch. 31. 1757–58, ch. 37.

Whereas the said town of Hingham has been at great expence in purchasing and opening a water-passage, for the fish called alewives, from the sea, into the pond called Accord Pond, being wholly within the bounds of the said town, and it appears just that the sole ordering, taking, and disposing the fish, when taken, should be vested in the said town; to which purpose,—

Be it enacted by the Governor, Council and House of Representatives,

The town of Hingham empowered to order the manner, time and place of taking of alewives in said town, &c.

[Sect. 1.] That from and after the first day of August next, and during the continuance of this act, it shall and may be lawful[l] for the inhabitants of the said town of Hingham, at a meeting regularly assembled for that purpose, from time to time, to order and determine how and in what manner, by whom, and at what place or places, time or times, the fish may be taken within the river aforesaid, and how they shall be disposed of; and shall cause a copy of said order, attested by the town clerk, to be posted up in four public[k] places in said town; whereto all persons shall conform themselves, on penalty of twenty shillings for each offence, to be paid by the offender or offenders, and, upon his or their refusal, the offender to be committed to the common goal of the said county, there to remain not exceeding five days: and all fines and forfeitures arising by this act, to be recovered by action, bill, plaint or information, before any authority proper to try[e] the same; and the fines so recovered to be apply'd, one moiety to the use of the poor of said town of Hingham, the other half to him or them that shall sue for the same.

Preamble.

And whereas the river aforesaid is of great extent, and considerable part of the banks thereof covered with thick wood, and so obscured as that persons may frequently offend against this act without being discovered, and so the good designs of it defeated, unless special provision be made therefor,—

Be it therefore enacted,

Rules and methods of conviction.

[Sect. 2.] That the manner, rules and methods of conviction of the offenders against this act, be the same as are directed and provided in and by an act, made in the twelfth year of the reign of King George the First, intituled "An Act in addition to, and for rendering more effectual, an act made in the tenth year of the reign of King William the Third, intituled 'An Act for preventing trespass.'"

1726–27, chap. 3

Limitation.

[Sect. 3.] This act to be in force for the space of three years from the first day of August next, and from thence to the end of the next session of the general court, and no longer. [*Passed July* 3; * *published July* 11.

* Signed July 11, according to the record.

CHAPTER 12.

AN ACT FOR THE BETTER REGULATING DISTRICTS WITHIN THIS PROVINCE.

Preamble.

WHEREAS it has been found expedient to erect districts within this province, invested with the powers, priviledges and immunities of towns (the priviledge of sending a representative to the general assembly only excepted), and it being necessary that all such districts should be subjected to all the duties which towns, by law, are subjected to, and liable to all such penalties, for neglect thereof, as towns, by law, are liable to,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Districts subjected to the duties which towns, by law, are subjected to.

That each and every the districts within this province shall be and hereby are subjected to all the duties which towns, by law, are subjected to, and made liable to all the penalties, for neglect or failure therein, which towns, by law, are liable to, and shall, to all intents and purposes, be considered as towns, the priviledge and duty of sending a representative to the general assembly only excepted. [*Passed July* 3; *published July* 11.

CHAPTER 13.

AN ACT MAKING SPECIAL PROVISION FOR THE SETTLEMENT AND SUPPORT OF THE GOSPEL MINISTRY IN THE TOWN OF SUDBURY.

Preamble.

WHEREAS there are two distinct societies for religious worship, of the profession of the churches in general of this province, in the town of Sudbury, and each of the said societies being desirous of being authorized and impowered to contract with and proceed to the settlement of a gospel minister, when and so often as it shall be necessary, as fully as, by law, they might do if they were distinct parishes,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Inhabitants of the town of Sudbury incorporated into distinct societies, as to the call and settlement of a gospel minister for each society, &c.

[SECT. 1.] That such of the inhabitants of the town of Sudbury as usually attend the public[k] worship on the east side of the river, in said town, and also such of the inhabitants of said town as usually attend the public[k] worship on the west side of [*the*] said river, qualified to vote in parish affairs, be and hereby are so far incorporated into distinct and seperate societies as to be enabled, from time to time, in concurrence with the act of the church in such societies, respectively, to call, contract with, and settle a gospel minister, or ministers, for each society, respectively, in manner and form as the ministers of the churches of this province are called, contracted with, and settled; and such calls, contracts and settlements shall be as valid and effectual, to all intents and purposes, as if such societies had been erected into distinct and seperate parishes.

And be it further enacted,

Provision when either church is destitute of a gospel minister.

[SECT. 2.] That when and so often as the East Church and congregation, or the West Church and congregation, shall be destitute of a gospel minister, the deacons of the church so destitute may and shall notify the inhabitants qualified, by law, to vote in parish affairs where such destitute church shall be, to meet on some certain day, and at some certain place; and said inhabitants, so notified and convened, are here-

by authorized and impowered to choose a moderator and clerk, to act and to do all such matters and things as parishes, by law, may do towards settling a minister as aforesaid, and, by adjournments, to continue such meetings from time to time, and so long as shall be necessary for the purpose aforesaid; and the assessors, collectors, and other town officers, of the town of Sudbury, whom it may concern, are hereby impowered to assess, levy and collect all rates and taxes, for the support and maintenance of such ministers, from the inhabitants of said town of Sudbury, in manner as if such ministers had been chosen and contracted with by the said town. [*Passed July* 9; * *published July* 11.

Assessors, &c., empowered to assess, levy and collect taxes for the support of ministers.

CHAPTER 14.

AN ACT FURTHER IMPOWERING THE COURTS OF GENERAL SESSIONS OF THE PEACE, IN THIS PROVINCE, TO GRANT LICENCES IN CERTAIN CASES, AND THEREBY TO PREVENT UNNECESSARY PETITIONS TO THE GENERAL COURT.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That when it shall so happen that any licenced innholder or retailer shall die before the year be expired for which licence shall have been granted, and the widow of the deceased, if such there be, or children, or other representative, shall desire to exercise the said employment in such licenced house the remainder of the year; and where any licenced innholder or retailer shall remove from a licenced house, and the purchaser or occupier of such house shall petition to be licenced to be an innholder or retailer in the same house for the remainder of the year; in every such case it shall be lawful, and the justices of the court of general sessions of the peace are hereby impowered, at any of the terms appointed by law for holding the same in such county, to grant licence to such person or petitioner applying therefor, the remainder of the year: *provided* such person be suitably qualified therefor, and recommended in manner as the law directs.

Justices of the court of general sessions empowered to grant licenses, in case. 1755-56, ch. 39. 1759-60, ch. 13.

[Sect. 2.] This act to continue in force from the tenth day of July current, to the tenth day of July which will be in the year of our Lord one thousand seven hundred and sixty-five, and no longer. [*Passed July* 9; * *published July* 11.

Limitation.

CHAPTER 15.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF THIRTY-NINE THOUSAND POUNDS.

Whereas this court have ordered a tax of thirty-two thousand nine hundred and seventy-four pounds thirteen shillings and fourpence, short of what, by several acts of government, was to have been assessed and apportioned on the present year, and a further sum is necessary for the service of the present campaign; therefore, to support the faith and credit of the government,—

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the treasurer be and he hereby is directed to

Treasurer em-

* Signed July 11, according to the record.

powered to borrow £39,000.

borrow, of such persons as shall appear ready to lend, a sum not exceeding thirty-nine thousand pounds; and for every sum so borrowed the treasurer shall give his receipt in the form following:—

Form of the receipt.

Province of the Massachusetts Bay, the day of , 1761. Received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or order, the twentieth day of June, one thousand seven hundred and sixty-three, the aforesaid sum of , in coined silver at six shillings and eightpence per ounce, or Spanish mill'd dollars at six shillings each, with interest, annually, at the rate of six per cent.

Witness my hand.

And be it further enacted,

£32,974 13*s*. 4*d*. for payment of government securities.

[SECT. 2.] That the aforesaid sum of thirty-nine thousand pounds, when received into the treasury, shall be applied by the treasurer in the manner following; that is to say, the sum of thirty-two thousand nine hundred and seventy-four pounds thirteen shillings and fourpence, part of the aforesaid sum of thirty-nine thousand pounds, shall be applied for the payment of government securities that will become due in June, one thousand seven hundred and sixty-two; and the remaining sum of six thousand twenty-five pounds six shillings and eightpence, part of the aforesaid sum of thirty-nine thousand pounds, shall be applied towards defreying the charges of the present campaign: to be drawn out of the treasury by warrant from the governor, with advice of council.

£6,025 6*s*. 8*d*. for the present campaign.

Preamble.

And as a fund and security to enable the treasurer to discharge the obligations by him given in pursuance of this act,—

Be it enacted,

Tax of £41,000, in 1762.

[SECT. 3.] That there be and hereby is granted to his most excellent majesty a tax of forty one thousand pounds, to be levied on polls, and estates both real and personal, according to such rules, and in such proportion on the several towns, districts, parishes and other places within this province, as shall be ordered by the general court at their session in May, one thousand seven hundred and sixty-two.

And be it further enacted,

Rule for apportioning the tax, in case no tax act shall be agreed on.

[SECT. 4.] That, in case the general court shall not, at their session in May, one thousand seven hundred and sixty-two, and before the twentieth day of June following, agree and conclude upon an act apportioning the sum which by this act is engaged to be apportioned, assessed and levied, that then and in such case such towns, districts, parishes, or other places, shall pay, by a tax to be levied on the polls, and estates both real and personal, within their respective limits, the same proportion of the said sum as the said towns, districts, parishes, or other places were taxed by the general court in the tax act then last preceeding.

[SECT. 5.] And the province treasurer is hereby fully impowered and directed, in the month of June, one thousand seven hundred and sixty-two, to issue and send forth his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, requiring them to assess the polls, and estates both real and personal, within their respective towns, districts, parishes, or other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the public treasury by the first day of March, one thousand seven hundred and sixty-three; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act; and the assessors shall

incur the same penalty, for not apportioning the sums laid upon their respective towns, districts, parishes, or other places, as though the same had been assessed upon them by an act of the general court.

And be it further enacted,

Tax to be levied for any deficient sum in 1762.

[Sect. 6.] That if the treasurer shall not be able to borrow the sum of thirty-two thousand nine hundred and seventy-four pounds thirteen shillings and fourpence, aforesaid, on or before the thirty-first day of December next, then and in that case he shall issue forth his warrants, directed to the selectmen or assessors in each of the towns and districts within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective part and proportion of whatever sum he shall not be able to borrow of the sum of thirty-two thousand nine hundred and seventy-four pounds thirteen shillings and fourpence, aforesaid, to be paid into the public treasury by the first day of March, one thousand seven hundred and sixty-two; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act. [*Passed and published July* 11.

CHAPTER 16.

AN ACT PROVIDING FOR THE LEVYING AND COLLECTING OF TAXES IN PLANTATIONS THAT ARE NOT INCORPORATED.

Be it enacted by the Governor, Council and House of Representatives,

Province, or county, treasurer to issue a precept for calling a meeting of the inhabitants of plantations, &c., in case.

[Sect. 1.] That when any part or proportion of any province or county tax shall be laid by the great and general court, or by any court of general sessions of the peace within this province, on any plantation not incorporated, the treasurer of the province, or of such county, respectively, shall issue his precept to some justice of the peace dwelling near to such plantation, requiring him forthwith to grant his warrant, directed to some principal inhabitant of such plantation, requiring him to notify and warn the inhabitants of such plantation, being freeholders, to meet at such time and place, within the same, as in such warrant shall be specified, in order to choose needful officers for the purposes hereafter mentioned; and such principal inhabitant is hereby obliged to observe and obey the warrant that he shall receive from said justice, on the penalty of forfeiting and paying the whole sum that shall be ordered to be levied on such plantation by either of the respective treasurers' warrants aforesaid; to be recovered by action of debt, by said respective treasurers, in any of his majesty's courts of record, within this province, proper to try the same.

Inhabitants of said plantations to choose certain officers, &c.

[Sect. 2.] And such of the said inhabitants as shall then assemble shall have power, and they are hereby required, to choose a moderator and clerk, as also assessors and collectors for assessing and collecting such plantation's proportion of such province and county tax (to be duly paid, when collected, by such collectors to the province or county treasurer, respectively); and such clerk, assessors and collectors shall be under oath (to be administred by the moderator of such meeting) for the faithful discharge of their respective trust, and shall have the same allowance from such incorporate plantations as such officers are intituled unto, by law, in towns corporate; and in case any assessor or collector, so chosen, shall, after notice of such choice given him by

the moderator, refuse or neglect to appear and take such oath, he shall be liable to the same penalty which assessors and collectors in towns corporate are liable to in case of such refusal or neglect.

And be it further enacted,

Assessors to take a valuation, &c.

[SECT. 3.] That the assessors so chosen and sworn shall, thereupon, take a list of the rateable polls, and a valuation of the estates and faculties of the inhabitants of such plantation, for a rule by which to make such assessment, and by which to judge of the qualification of voters, in meetings of the said inhabitants thereafter to be holden, until other valuation shall be made.

And be it further enacted,

Justices of the court of general sessions to appoint assessors and collectors, in case.

[SECT. 4.] That, in case the inhabitants of any such plantation shall neglect to assemble, or, being assembled, shall neglect to choose all such officers as hereinbefore are required, it shall be in the power of the court of general sessions of the peace, in the county where such plantation is, and the justices of such court are required, to appoint some meet persons, inhabitants of such plantation, to be assessors and collectors of such taxes, as aforesaid, who shall be duly sworn to the faithful discharge of their respective trust, and shall conform to the directions and proceed by the rules which assessors and collectors in towns corporate are obliged to observe.

And be it further enacted,

Assessors to issue their warrants for calling a meeting in March, annually, &c.

[SECT. 5.] That the assessors, which* shall, from time to time, be chosen or appointed for such plantation, shall have power and they are required to issue their warrants for calling meetings of the inhabitants there, in the month of March, annually, for choosing such officers as aforesaid, who shall be sworn as aforesaid, and shall have the same power, and be subject to the same penalties, as assessors and collectors in towns and parishes have, and are, by law, liable to.

Continuance.

[SECT. 6.] This act to continue in force during the term of seven years from the first day of August next, and no longer. [*Passed and published July* 11.

CHAPTER 17.

AN ACT FOR APPORTIONING AND ASSESSING THE SUM OF SEVENTY-FIVE THOUSAND POUNDS; ALSO FOR APPORTIONING AND ASSESSING A TAX OF TWO THOUSAND TWO HUNDRED AND THIRTY-FIVE POUNDS TWO SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR SERVICE, TRAVEL AND ATTENDANCE IN THE GENERAL COURT, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY; ALSO FOR ASSESSING THE TOWN OF RUTLAND FOR THE SUM OF THIRTY-ONE POUNDS ONE SHILLING AND SEVENPENCE, BEING SO MUCH ORDERED BY THE GENERAL COURT, IN THEIR SESSIONS IN JANUARY LAST, TO BE ADDED TO THE TAX OF THE TOWN OF RUTLAND, THE PRESENT YEAR, OVER AND ABOVE THEIR PROPORTION OF WHAT IS LAID ON SAID YEAR.

WHEREAS the great and general court or assembly of this province did, in their session in May, one thousand seven hundred and fifty-eight, levy a tax of seventy thousand eight hundred and nine pounds thirteen shillings and fourpence; and also, in their session in March, one thousand seven hundred and fifty-nine, did levy another tax of forty-six thousand pounds; and did also, in their session in June, one thousand seven hundred and sixty, levy a further tax of seventy-five

1758-59, chap. 4, § 7.

1758-59, chap. 28, § 1.

1760-61, chap. 6, § 2.

* "Who" in the edition of 1763.

thousand pounds: all which sums amount to one hundred and ninety-one thousand eight hundred and nine pounds thirteen shillings and fourpence; and by the aforesaid acts provision was made that the general court, at this present session, might apportion the same on the several towns, districts, parishes and places within this province, if they thought fit; *and whereas*, by an act of the great and general court, made and passed this present session, the treasurer is [e][*i*]mpowered and directed to draw upon Mr. Agent Bollan for the sum of sixty thousand pounds sterling, at the rate of one hundred and thirty-six pounds, lawful money, for every hundred pounds sterling; which will amount to eighty-one thousand and six hundred pounds: which money is applied by this act for the redemption of government securities that will become due in June, one thousand seven hundred and sixty-two; *and whereas* a number of persons, possessors of government securities, that will become due in June, one thousand seven hundred and sixty-two, to the amount of thirty-two thousand nine hundred and seventy-four pounds thirteen shillings and fourpence, appear willing to lend the same to the government, to be redeemed at a distant period; and this court having made and passed an act, this session, to enable the treasurer to borrow the same; wherefore, for the ordering, directing and effectual drawing in the said sum of seventy-seven thousand two hundred and sixty-six pounds three shilling[*s*] and sevenpence, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,— 1761–62, chap. 3.

And be it accordingly enacted by the Governo[u]*r, Council and House of Representatives*,

[Sect. 1.] That each town, district, parish, or other place within this province be assessed and pay, as such town, district, parish and place's proportion of the sum of seventy-seven thousand two hundred and sixty-six pounds three shilling[*s*] and sevenpence, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	[*SUM TOTAL.*]	
Boston	£71 4*s.* 0*d.*	£8,469 13*s.* 9*d.*	Eight thousand five hundred and forty pounds seventeen shillings and ninepence	£8,540 17*s.* 9*d.*
Roxbury	17 16 0	920 0 0	Nine hundred [*and*] thirty-seven pounds sixteen shillings	937 16 0
Dorchester	17 8 0	569 0 0	Five hundred [*and*] eighty-six pounds eight shillings	586 8 0
Milton	20 0 0	378 2 6	Three hundred [*and*] ninety-eight pounds two shillings and sixpence	398 2 6
Braintree	21 8 0	732 16 3	Seven hundred [*and*] fifty-four pounds four shillings and threepence	754 4 3
Weymouth	21 8 0	369 1 3	Three hundred and ninety pounds nine shillings and threepence	390 9 3
Hingham	22 0 0	748 15 0	Seven hundred and seventy pounds fifteen shillings	770 15 0
Dedham	21 12 0	645 0 0	Six hundred and sixty-six pounds twelve shillings	666 12 0
Medfield	22 0 0	294 13 9	Three hundred and sixteen pounds thirteen shillings and ninepence	316 13 9
Wrentham	22 16 0	568 2 6	Five hundred and ninety pounds eighteen shillings and sixpence	590 18 6
Brookline	0 0 0	361 5 0	Three hundred and sixty-one pounds five shillings	361 5 0
Needham	20 10 0	232 16 3	Two hundred and fifty-three pounds six shillings and threepence	253 6 3
Stoughton	22 0 0	505 18 9	Five hundred and twenty-seven pounds eighteen shillings and ninepence	527 18 9
Medway	20 10 0	207 16 3	Two hundred and twenty-eight pounds six shillings and threepence	228 6 3
Bellingham	0 0 0	125 18 9	One hundred and twenty-five pounds eighteen shillings and ninepence	125 18 9
Hull	0 0 0	72 10 0	Seventy-two pounds ten shillings	72 10 0
Walpole	0 0 0	221 5 0	Two hundred and twenty-one pounds five shillings	221 5 0
Chelsea	17 4 0	200 18 9	Two hundred and eighteen pounds two shillings and ninepence	218 2 9
	£337 16*s.* 0*d.*	£15,624 1*s.* 3*d.*	Fifteen thousand nine hundred and sixty-one pounds seventeen shillings and three-p[ence]	£15,961 17*s.* 3*d.*

IN THE COUNTY OF ESSEX.

Salem	£20 8*s.* 0*d.*	£1,402 3*s.* 9*d.*	Fourteen hundred and twenty-two pounds eleven shillings and ninepence	£1,422 11*s.* 9*d.*
Danvers	22 4 0	620 6 3	Six hundred and forty-two pounds ten shillings and threepence	642 10 3
Ipswich	17 12 0	1,388 15 0	Fourteen hundred and six pounds seven shillings	1,406 7 0
Newbury	18 16 0	1,918 15 0	Nineteen hundred and thirty-seven pounds eleven shillings	1,937 11 0
Marblehead	20 8 0	1,232 10 0	Twelve hundred and fifty-two pounds eighteen shillings	1,252 18 0
ynn	21 12 0	596 17 6	Six hundred and eighteen pounds nine shillings and sixpence	618 9 6
Andover	22 16 0	944 1 3	Nine hundred and sixty-six pounds seventeen shillings and threepence	966 17 3
Beverl[*e*]y	22 14 0	587 10 0	Six hundred and ten pounds four shillings	610 4 0

Rowley	22	16	0	580	18	9	Six hundred and three pounds fourteen shillings and ninepence	603	14	9
Salisbury	21	12	0	450	6	3	Four hundred and seventy-one pounds eighteen shillings and threepence	471	18	3
Haverhill	23	8	0	721	5	0	Seven hundred and forty-four pounds thirteen shillings	744	13	0
Glocester	13	16	0	904	1	3	Nine hundred and seventeen pounds seventeen shillings and threepence	917	17	3
Topsfield	22	12	0	254	1	3	Two hundred and seventy-six pounds thirteen shillings and threepence	276	13	3
Boxford	18	0	0	305	0	0	Three hundred and twenty-three pounds	323	0	0
Almsbury	10	8	0	459	7	6	Four hundred and sixty-nine pounds fifteen shillings and sixpence	469	15	6
Bradford	21	12	0	339	1	3	Three hundred and sixty pounds thirteen shillings and threepence	360	13	3
Wenham	0	0	0	187	3	9	One hundred and eighty-seven pounds three shillings and ninepence	187	3	9
Middleton	0	0	0	217	10	0	Two hundred and seventeen pounds ten shillings	217	10	0
Manchester	0	0	0	159	1	3	One hundred and fifty-nine pounds one shilling and threepence	159	1	3
Methuen	0	0	0	245	6	3	Two hundred and forty-five pounds six shillings and threepence	245	6	3
	£320	14*s.*	0*d.*	£13,514	1*s.*	3*d.*		£13,834	15*s.*	3*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge	£17	8*s.*	0*d.*	£678	2*s.*	6*d.*	Six hundred and ninety-five pounds ten shillings and sixpence	£695	10*s.*	6*d.*
Charlestown	17	16	0	664	1	3	Six hundred and eighty-one pounds seventeen shillings and threepence	681	17	3
Watertown	21	4	0	272	16	3	Two hundred and ninety-four pounds and threepence	294	0	3
Woburn	20	4	0	489	7	6	Five hundred and nine pounds eleven shillings and sixpence	509	11	6
Concord	20	0	0	449	13	9	Four hundred and sixty-nine pounds thirteen shillings and ninepence	469	13	9
Newton	21	0	0	463	15	0	Four hundred and eighty-four pounds fifteen shillings	484	15	0
Sudbury	21	0	0	555	18	9	Five hundred and seventy-six pounds eighteen shillings and ninepence	576	18	9
Marlboro'[*ugh*]	21	16	0	551	17	6	Five hundred and seventy-three pounds thirteen shillings and sixpence	573	13	6
Billerica	13	12	0	367	10	0	Three hundred and eighty-one pounds two shillings	381	2	0
Framingham	22	8	0	422	16	3	Four hundred [and] forty-five pounds four shillings and threepence	445	4	3
Lexington	20	12	0	306	11	3	Three hundred and twenty-seven pounds three shillings and threepence	327	3	3
Chelmsford	22	4	0	316	17	6	Three hundred and thirty-nine pounds one shilling and sixpence	339	1	6
Sherburne	0	0	0	198	15	0	One hundred [and] ninety-eight pounds fifteen shillings	198	15	0
Reading	18	12	0	491	17	6	Five hundred and ten pounds nine shillings and sixpence	510	9	6
Malden	17	16	0	268	2	6	Two hundred [and] eighty-five pounds eighteen shillings and sixpence	285	18	6
Weston	22	0	0	273	15	0	Two hundred and ninety-five pounds fifteen shillings	295	15	0
Medford	17	8	0	317	16	3	Three hundred and thirty-five pounds four shillings and threepence	335	4	3
Littleton	0	0	0	240	12	6	Two hundred and forty pounds twelve shillings and sixpence	240	12	6
Hopkinston	22	0	0	246	5	0	Two hundred and sixty-eight pounds five shillings	268	5	0
Westford	18	0	0	288	8	9	Three hundred and six pounds eight shillings and ninepence	306	8	9
Shirley	3	0	0	86	5	0	Eighty-nine pounds five shillings	89	5	0

IN THE COUNTY OF MIDDLESEX—*Continued.*

	REPRESENTATIVES' PAY.	PROVINCE TAX.	[SUM TOTAL.]	
Waltham	£21 4*s.* 0*d.*	£254 1*s.* 3*d.*	Two hundred and seventy-five pounds five shillings and threepence	£275 5*s.* 3*d.*
Townshend	0 0 0	120 12 6	One hundred and twenty pounds twelve shillings and sixpence	120 12 6
Stow	0 0 0	217 10 0	Two hundred and seventeen pounds ten shillings	217 10 0
Stoneham	0 0 0	111 5 0	One hundred and eleven pounds five shillings	111 5 0
Groton	13 8 0	370 12 6	Three hundred and eighty-four pounds and sixpence	384 0 6
Wilmington	0 0 0	192 10 0	One hundred and ninety-two pounds ten shillings	192 10 0
Natick	0 0 0	130 6 3	One hundred and thirty pounds six shillings and threepence	130 6 3
Dracut	0 0 0	164 1 3	One hundred and sixty-four pounds one shilling and threepence	164 1 3
Bedford	0 0 0	144 7 6	One hundred and forty-four pounds seven shillings and sixpence	144 7 6
Holliston	0 0 0	186 5 0	One hundred and eighty-six pounds five shillings	186 5 0
Tewksbury	0 0 0	205 12 6	Two hundred and five pounds twelve shillings and sixpence	205 12 6
Acton	0 0 0	173 2 6	One hundred and seventy-three pounds two shillings and sixpence	173 2 6
Dunstable	0 0 0	174 7 6	One hundred and seventy-four pounds seven shillings and sixpence	174 7 6
Pepperrel[l]	5 0 0	137 10 0	One hundred and forty-two pounds ten shillings	142 10 0
Lincoln	0 0 0	187 10 0	One hundred and eighty-seven pounds ten shillings	187 10 0
	£397 12*s.* 0*d.*	£10,720 18*s.* 9*d.*		£11,118 10*s.* 9*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield	£19 8*s.* 0*d.*	£939 7*s.* 6*d.*	Nine hundred and fifty-eight pounds fifteen shillings and sixpence	£958 15*s.* 6*d.*
Northampton	16 13 10	418 15 0	Four hundred and thirty-five pounds eight shillings and tenpence	435 8 10
Southampton	4 6 2	100 0 0	One hundred and four pounds six shillings and twopence	104 6 2
Hadley	6 2 0	194 1 3	Two hundred pounds three shillings and threepence	200 3 3
South Hadley	6 8 0	204 1 3	Two hundred and ten pounds nine shillings and threepence	210 9 3
Amherst	4 10 0	142 3 9	One hundred and forty-six pounds thirteen shillings and ninepence	146 13 9
Hatfield	7 4 0	270 18 9	Two hundred and seventy-eight pounds two shillings and ninepence	278 2 9
Westfield	14 12 0	323 2 6	Three hundred and thirty-seven pounds fourteen shillings and sixpence	337 14 6
Deerfield	5 9 5	188 8 9	One hundred and ninety-three pounds eighteen shillings and twopence	193 18 2
Greenfield	2 2 7	72 16 3	Seventy-four pounds eighteen shillings and tenpence	74 18 10
Sunderland	7 17 11	199 7 6	Two hundred and seven pounds five shillings and fivepence	207 5 5
Montague	3 10 1	88 8 9	Ninety-one pounds eighteen shillings and tenpence	91 18 10
Northfield	0 0 0	119 1 3	One hundred and nineteen pounds one shilling and threepence	119 1 3

Brimfield	17	4	6	296	17	6	Three hundred and fourteen pounds two shillings							314	2 [6]
Monson	3	19	6	72	10	0	Seventy-six pounds nine shillings and sixpence							76	9 6
Pelham	0	0	0	140	12	6	One hundred and forty pounds twelve shillings and sixpence							140	12 6
Greenwich	0	0	0	109	7	6	One hundred and nine pounds seven shillings and sixpence							109	7 6
Blanford	0	0	0	92	3	9	Ninety-two pounds three shillings and ninepence							92	3 9
Palmer	0	0	0	140	18	9	One hundred and forty pounds eighteen shillings and ninepence							140	18 9
Granville	0	0	0	166	5	0	One hundred and sixty-six pounds five shillings							166	5 0
New-Salem	0	0	0	98	8	9	Ninety-eight pounds eight shillings and ninepence							98	8 9
Belchertown	0	0	0	84	1	3	Eighty-four pounds one shilling and threepence							84	1 3
Colrain	0	0	0	59	1	3	Fifty-nine pounds one shilling and threepence							59	1 3
Ware River	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence							36	17 6
Enfield	0	0	0	287	10	0	Two hundred [*and*] eighty-seven pounds ten shillings							287	10 0
Somers	0	0	0	226	11	3	Two hundred [*and*] twenty-six pounds eleven shillings and threepence							226	11 3
Roxbury Can[n]ada,	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence							36	17 6
Falltown	0	0	0	29	7	6	Twenty-nine pounds seven shillings and sixpence							29	7 6
Huntstown	0	0	0	18	8	9	Eighteen pounds eight shillings and ninepence							18	8 9
Shutesbury	0	0	0	55	6	3	Fifty-five pounds six shillings and threepence							55	6 3
Suff[ei][*ie*]ld	0	0	0	470	12	6	Four hundred and seventy pounds twelve [shillings] and sixpence							470	12 6
	£119	8*s.*	0*d.*	£5,682	10*s.*	0*d.*	[Five thousand eight hundred and one pound eighteen shillings]							£5,801	18*s.* 0*d.*

IN THE COUNTY OF BERKSHIRE.

Sheffield	£6	9*s.*	8*d.*	£247	19*s.*	4½*d.*	Two hundred and fifty-four pounds nine shillings and a halfpenny							£254	9*s.* 0½*d.*
Great Barrington	3	14	9	142	19	4½	One hundred and forty-six pounds fourteen shillings and a penny halfpenny							146	14 1½
Egremont	2	7	7	90	18	9	Ninety-three pounds six shillings and fourpence							93	6 4
Stockbridge	0	0	0	54	4	4½	Fifty-four pounds four shillings and fourpence halfpenny							54	4 4½
Pittsfield	0	0	0	55	6	3	Fifty-five pounds six shillings and threepence							55	6 3
New Marlboro'[ugh],	0	0	0	84	10	7½	Eighty-four pounds ten shillings and sevenpence halfpenny							84	10 7½
Number One	0	0	0	59	1	3	Fifty-nine pounds one shilling and threepence							59	1 3
Number Three	0	0	0	59	1	3	Fifty-nine pounds one shilling and threepence							59	1 3
Number Four	0	0	0	55	6	3	Fifty-five pounds six shillings and threepence							55	6 3
	£12	12*s.* [*0d.*]		£849	7*s.* 6*d.*		[Eight hundred and sixty-one pounds nineteen shillings and sixpence]							£861	19*s.* 6*d.*

IN THE COUNTY OF WORCESTER.

	REPRESENTATIVES' PAY.			PROVINCE TAX.			[SUM TOTAL.]			
Worcester	£15	4*s.*	0*d.*	£456	9*s.*	8½*d.*	Four hundred and seventy-one pounds thirteen shillings and eightpence farthing	£471	13*s.*	8¼*d.*
Lancaster	23	16	0	545	4	8¼	Five hundred and sixty-nine pounds and eightpence farthing	569	0	8¼
Mendon	14	8	0	438	2	6	Four hundred and fifty-two pounds ten shillings and sixpence	452	10	6
Woodstock	0	0	0	551	11	3	Five hundred and fifty-one pounds eleven shillings and threepence	551	11	3
Brookfield	4	12	0	398	5	7½	Four hundred and two pounds seventeen shillings and sevenpence halfpenny	402	17	7½
Oxford	18	0	0	241	3	5¾	Two hundred and fifty-nine pounds three shillings and fivepence farthing	259	3	5¾
Charlton	5	16	0	78	15	0	Eighty-four pounds eleven shillings	84	11	0
Sutton	22	12	0	460	1	6¾	Four hundred and eighty-two pounds thirteen shillings and sixpence three farthings,	482	13	6¾
Rutland	5	4	0	372	0	7½	Four hundred and eight pounds six shillings and twopence halfpenny	408	6	2½
Rutland tax for Princetown	31	1	7							
New Braintree	0	0	0	123	0	11¼	One hundred and twenty-three pounds and elevenpence farthing	123	0	11¼
District of Rutland,	0	0	0	148	0	11¼	One hundred and forty-eight pounds and elevenpence farthing	148	0	11¼
Leicester	16	16	0	274	7	6	Two hundred and ninety-one pounds three shillings and sixpence	291	3	6
District of Spencer	8	4	0	133	13	5½	One hundred and forty-one pounds seventeen shillings and fivepence farthing	141	17	5½
Southborough	23	0	0	211	11	3	Two hundred and thirty-four pounds eleven shillings and threepence	234	11	3
Westborough	21	12	0	326	8	1½	Three hundred and forty-eight pounds and a penny halfpenny	348	0	1½
Shrewsbury	20	12	0	393	0	11¼	Four hundred and thirteen pounds twelve shillings and elevenpence farthing	413	12	11¼
Lunenburg	23	8	0	294	1	3	Three hundred and seventeen pounds nine shillings and threepence	317	9	3
Uxbridge	24	4	0	278	11	10½	Three hundred and two pounds fifteen shillings and tenpence halfpenny	302	15	10½
Harvard	0	0	0	251	5	0	Two hundred and fifty-one pounds five shillings	251	5	0
Dudley	0	0	0	157	3	9	One hundred and fifty-seven pounds three shillings and ninepence	157	3	9
Bolton	21	2	0	239	4	4½	Two hundred and sixty pounds six shillings and fourpence halfpenny	260	6	4½
Upton	0	0	0	105	9	4½	One hundred and five pounds nine shillings and fourpence halfpenny	105	9	4½
Sturbridge	13	16	0	175	15	7½	One hundred and eighty-nine pounds eleven shillings and sevenpence halfpenny	189	11	7½
Leominster	0	0	0	157	10	0	One hundred and fifty-seven pounds ten shillings	157	10	0
Hardwick	0	0	0	198	15	0	One hundred and nine[ty]-eight pounds fifteen shillings	198	15	0
Holden	0	0	0	112	10	0	One hundred and twelve pounds ten shillings	112	10	0
Western	0	0	0	150	0	0	One hundred and fifty pounds	150	0	0
Douglass	0	0	0	73	16	6¾	Seventy-three pounds sixteen shillings and sixpence three farthings	73	16	6¾
Grafton	0	0	0	201	17	6	Two hundred and one pound[s] seventeen shillings and sixpence	201	17	6
Petersham	0	0	0	164	4	4½	One hundred and sixty-four pounds four shillings and fourpence halfpenny	164	4	4½
Westminster	0	0	0	113	19	8¾	One hundred and thirteen pounds nineteen shillings and eightpence farthing	113	19	8¾
Poquaoge	0	0	0	59	1	3	Fifty-nine pounds one shilling and threepence	59	1	3
Narraganset No. 6	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
Princetown	0	0	0	55	6	3	Fifty-five pounds six shillings and threepence	55	6	3

Dorchester-Canada,	0	0	0	44	7	6	Forty-four pounds seven shillings and sixpence				44	7	6
Ipswich Canada	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence				36	17	6
	£282	6*s.*	0*d.*	£8,058	11*s.*	10½*d.*					£8,340	17*s.*	10½*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth	£22	8*s.*	0*d.*	£484	1*s.*	3*d.*	Five hundred and six pounds nine shillings and threepence				£506	9*s.*	3*d.*
Scituate	23	12	0	791	11	3	Eight hundred and fifteen pounds three shillings and threepence				815	3	3
Duxbury	18	4	0	267	16	3	Two hundred and eighty-six pounds and threepence				286	0	3
Marshfield	16	6	0	361	5	0	Three hundred and seventy-seven pounds eleven shillings				377	11	0
Bridgwater	22	8	0	996	17	6	One thousand and nineteen pounds five shillings and sixpence				1,019	5	6
Middleborough	18	16	0	729	1	3	Seven hundred and forty-seven pounds seventeen shillings and threepence				747	17	3
Rochester	19	8	0	452	6	10½	Four hundred and seventy-one pounds fourteen shillings and tenpence halfpen[*n*]y,				471	14	10½
Plympton	23	4	0	291	5	0	Three hundred and fourteen pounds nine shillings				314	9	0
Pembrook	16	8	0	350	18	9	Three hundred and sixty-seven pounds six shillings and ninepence				367	6	9
Kingston	23	4	0	204	7	6	Two hundred and twenty-seven pounds eleven shillings and sixpence				227	11	6
Hanover	20	4	0	205	18	9	Two hundred and twenty-six pounds two shillings and ninepence				226	2	9
Abbington	22	0	0	267	3	9	Two hundred and eighty-nine pounds three shillings and ninepence				289	3	9
Halifax	0	0	0	144	16	10½	One hundred and forty-four pounds sixteen shillings and tenpence halfpenny				144	16	10½
Warham	0	0	0	94	13	9	Ninety-four pounds thirteen shillings and ninepence				94	13	9
	£246	2*s.*	0*d.*	£5,642	3*s.*	9*d.*					£5,888	5*s.*	9*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable	£27	0*s.*	0*d.*	£478	15*s.*	0*d.*	Five hundred and five pounds fifteen shillings				£505	15*s.*	[*o*]*d.*
Yarmouth	27	12	0	372	16	3	Four hundred pounds eight shillings and threepence				400	8	3
Sandwich	22	0	0	419	7	6	Four hundred and forty-one pounds seven shillings and sixpence				441	7	6
Eastham	16	8	0	397	10	[*o*]	Four hundred and thirteen pounds eighteen shillings				413	18	0
Harwich	19	4	0	299	1	3	Three hundred and eighteen pounds five shillings and threepence				318	5	3
Chatham	0	0	0	212	2	2¼	Two hundred and twelve pounds two shillings and twopence farthing				212	2	2¼
Truro	0	0	0	173	16	6¾	One hundred and seventy-three pounds sixteen shillings and sixpence three farthings,				173	16	6¾
Falmouth	0	0	0	259	5	11¼	Two hundred and fifty-nine pounds five shillings and elevenpence farthing				259	5	11¼
	£112	4*s.*	0*d.*	£2,612	14*s.*	8¼*d.*					£2,724	18*s.*	8¼*d.*

IN THE COUNTY OF BRISTOL.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	[*SUM TOTAL.*]	
Taunton	£23 0*s.* 0*d.*	£681 17*s.* 6*d.*	Seven hundred and four pounds seventeen shillings and sixpence	£704 17*s.* 6*d.*
Rehoboth	21 4 0	799 7 6	Eight hundred and twenty pounds eleven shillings and sixpence	820 11 6
Swan[s][ʒ]ey with Sh[o][v]wamet	23 6 0	503 18 1½	Five hundred and twenty-seven pounds four shillings and a penny halfpenny	[1][5]27 4 1½
Dartmouth	24 16 0	1,287 5 3¾	One thousand three hundred and twelve pounds one shill[ing] and threepence [three] [3] farthings	1,312 1 3¾
Norton	21 6 0	458 16 6¾	Four hundred and eighty pounds two shillings and sixpence three farthings	480 2 6¾
Attleborough	22 0 0	425 18 9	Four hundred and forty-seven pounds eighteen shillings and ninepence	447 18 9
Dighton	2 18 0	295 6 3	Two hundred and ninety-eight pounds four shillings and threepence	298 4 3
Freetown	20 14 0	301 15 11¼	Three hundred and twenty-two pounds nine shillings and elevenpence farthing	322 9 11¼
Raynham	0 0 0	152 6 10½	One hundred and fifty-two pounds six shillings and tenpence halfpenny	152 6 10½
Easton	16 0 0	193 11 10½	Two hundred and nine pounds eleven shillings and tenpence halfpenny	209 11 10½
Berkley	0 0 0	167 16 3	One hundred and sixty-seven pounds sixteen shillings and threepence	167 16 3
	£175 4*s.* 0*d.*	£5,268 0*s.* 11¼*d.*		£5,443 4*s.* 11¼*d.*

IN THE COUNTY OF YORK.

York	£27 0*s.* 0*d.*	£687 16*s.* 3*d.*	Seven hundred and fourteen pounds sixteen shillings and threepence	£714 16*s.* 3*d.*
Kittery	16 4 0	715 4 8¼	Seven hundred and thirty-one pounds eight shillings and eightpence farthing	731 8 8¼
Wells	24 4 0	363 15 0	Three hundred and eighty-seven pounds nineteen shillings	387 19 0
Berwick	21 0 0	565 6 3	Five hundred and eighty-six pounds six shillings and threepence	586 6 3
Arundel[*l*]	6 16 0	186 19 0¾	One hundred and ninety-three pounds fifteen shillings and three farthings	193 15 0¾
Biddeford	8 8 0	344 13 9	Three hundred and fifty-three pounds one shilling and ninepence	353 1 9
Narraganset N[o] [1] [*One*]	0 0 0	44 7 6	Forty-four pounds seven shillings and sixpence	44 7 6
	£103 12*s.* 0*d.*	£2,908 2*s.* 6*d.*		£3,011 14*s.* 6*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth	£20 12*s.* 0*d.*	£1,035 17*s.* 2¼*d.*	One thousand and fifty-six pounds nine shillings and twopence farthing	£1,056 9*s.* 2¼*d.*
North Yarmouth	26 8 0	184 15 3¾	Two hundred and eleven pounds three shillings and threepence three farthings	211 3 3¾
Scarborough	23 0 0	395 17 2¼	Four hundred and eighteen pounds seventeen shillings and twopence farthing	418 17 2¼

Brunswick . .	0	0	0	164	10	7½	One hundred and sixty-four pounds ten shillings and sevenpence halfpenny . .	164	10	7½
Harpswell . .	0	0	0	123	16	6¾	One hundred and twenty-three pounds sixteen shillings and sixpence three farthings,	123	16	6¾
Gor[e]hamtown .	0	0	0	73	16	6¾	Seventy-three pounds sixteen shillings and sixpence three farthings	73	16	6¾
New Marblehead .	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
	£70	0*s.*	0**d.*	£2,015	10*s.*	11¼*d.*		£2,085	10*s.*	11¼*d.*

IN THE COUNTY OF LINCOLN.

Pownal[*l*]borough .	£0	0*s.*	0*d.*	£141	15*s.*	11¼*d.*	One hundred and forty-one pounds fifteen shillings and elevenpence farthing . .	£141	15*s.*	11¼*d.*
Georgetown . .	0	0	0	251	5	0	Two hundred and fifty-one pounds five shillings	251	5	0
Newcastle . .	0	0	0	102	16	3	One hundred and two pounds sixteen shillings and threepence	102	16	3
Topsham . . .	0	0	0	63	15	0	Sixty-three pounds fifteen shillings	63	15	0
Woolwich . .	0	0	0	92	5	3¾	Ninety-two pounds five shillings and threepence three farthings	92	5	3¾
	£0	0*s.*	0*d.*	£651	17*s.*	6*d.*	[Six hundred and fifty-one pounds seventeen shillings and sixpence]	£651	17*s.*	6*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown . .	£22	8*s.*	0*d.*	£202	10*s.*	0*d.*	Two hundred and twenty-four pounds eighteen shillings	£224	18*s.*	0*d.*
Chilmark . .	10	16	0	216	12	9¾	Two hundred and twenty-seven pounds eight shillings and ninepence three farthings,	227	8	9¾
Tisbury . . .	15	0	0	147	3	9	One hundred and sixty-two pounds three shillings and ninepence	162	3	9
	£48	4*s.*	0*d.*	£566	6*s.*	6¾*d.*	[Six hundred and fourteen pounds ten shillings and sixpence three farthings] . .	£614	10*s.*	6¾*d.*

IN THE COUNTY OF NANTUCKET[T].

Sherburne . .	£9	8*s.*	0*d.*	£885	12*s.*	6*d.*	Eight hundred and ninety-five pounds and sixpence	**£895**	**0*s.***	**6*d.***

* "Six" in the printed act.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	[SUM TOTAL.]	
Suffolk	£337 16s. 0d.	£15,624 1s. 3d.	Fifteen thousand nine hundred and sixty-one pound[s] seventeen shilling[s] and [three] [3] pence	£15,961 17s. 3d.
Essex	320 14 0	13,514 1 3	Thirteen thousand eight hundred and thirty-four pounds [fifteen] [15] shillings and [three] [3] pence	13,834 15 3
Middlesex	397 12 0	10,720 18 9	Eleven thousand one hundred and eighteen pounds ten shillings and ninepence	11,118 10 9
Hampshire	119 8 0	5,682 10 0	Five thousand eight hundred and one pound[s] eighteen shillings	5,801 18 0
Berkshire	12 12 0	849 7 6	Eight hundred and sixty-one pounds nineteen shillings and sixpence	861 19 6
Worcester	282 6 0	8,058 11 10½	Eight thousand three hundred and forty pounds [seventeen] [17] shillings and tenpence half[penny]	8,340 17 10½
Plymouth	246 2 0	5,642 3 9	Five thousand eight hundred and eighty-eight pounds five shillings and ninepence	5,888 5 9
Barnstable	112 4 0	2,612 14 8¼	Two thousand seven hundr[ed] and twenty-four pounds [eighteen] [18] shillings and [eight] [8] pence farthing	2,724 18 8¼
Bristol	175 4 0	5,268 0 11¼	Five thousand four hundred and forty-three pounds [four] [4] shillings and [eleven] [11] pence farthing	5,443 4 11¼
York	103 12 0	2,908 2 6	Three thousand and eleven pounds fourteen shillings and sixpence	3,011 14 6
Cumberland	70 0 0	2,015 10 11¼	Two thousand and eighty-five pounds ten shillings and elevenpence farthing	2,085 10 11¼
Lincoln	0 0 0	651 17 6	Six hundred and fifty-one pounds seventeen shillings and sixpence	651 17 6
Dukes County	48 4 0	566 6 6¾	Six hundred and fourteen pounds ten shillings and sixpence three farthings	614 10 6¾
Nantucket	9 8 0	885 12 6	Eight hundred and ninety-five pounds and sixpence	895 0 6
	£2,235 2s. [0]d.	£75,000 0s. 0d.		£77,235 2s. 0d.
To what was ordered to be laid on the town of Rutland for the present year more than their proportion of the present year's tax		31 1 7		31 1 7
		£75,031 1s. 7d.	Seventy-seven thousand two hundred and sixty-six pounds [three] [3] shillings and [seven] [7] pence	£77,266 3s. 7d.

And be it further enacted,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district or parish, or other place within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district or parish, or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at ten shillings per poll, and proportionably in assessing the additional sum received out of the treasury for the payment of representatives (except[*ing*] the governo[u]r, lieutenant-governo[u]r, and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and gramm[e][*a*]r-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, thro'[*ugh*] age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public[k] charges, they may exempt their polls, or abate part of what they are set at, as in their prudence they shall think fit and judge meet. Rules for assessment.

[Sect. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to their province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found; and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profit, in their improvement, according to their understanding or cunning, at twelvepence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and, in making their assessment, to estimate houses and lands at six years yearly rent whereat the same may be reasonably set or let for in the place where they lye: *saving* all contracts between landlord and tenant, and where no contract is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; and every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old, at three shillings each: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and if as guardians, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector, constable or constables of any such town, district, parish or place, and to return

a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, sometime before the last day of November next.

[SECT. 4.] And the treasurer, for the time being, upon receipt of such certificate, is hereby [e][*i*]mpowered and ordered to issue forth his warrants to the collector, or constable or constables of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirty-first day of March, which will be in the year of our Lord one thousand seven hundred and sixty-two.

And be it further enacted,

Inhabitants to bring in a true list of their polls, estate, &c.

[SECT. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time, before their making of the assessment, shall give seasonable warning to the inhabitants, in a town-meeting or by posting [*up*] notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way, to give or bring in to the assessors true and perfect lists of their polls, rateable estate, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are [e][*i*]mpowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid into the town, district or parish treasurer, for the use aforesaid: *saving*, to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it further enacted,

Transient traders to be rated.

[SECT. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, and trade

to deal therewith, the assessors of such town are hereby [e][*i*]mpowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any other town besides where they dwell.

[Sect. 8.] That when any merchant, trader or factor, shall set up a store, and traffick or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are [e][*i*]mpowered to rate and assess all such merchants, traders and factors, their goods and merchandizes, for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[Sect. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same.

And be [*it*] *further enacted*,

[Sect. 10.] That the sum of eighty-one thousand six hundred pounds, being the amount of sixty thousand pounds sterling, which the treasurer, by an act made and passed this session, is impowered and directed to draw for, be by him applied, when received into the treasury, for the redemption of government securities that will become due in June, 1762, and for no other purpose whatsoever. [*Passed and published July* 11.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWELFTH DAY OF NOVEMBER, A.D. 1761.

CHAPTER 18.

AN ACT FOR ERECTING WARE-RIVER PARISH, SO CALLED, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT BY THE NAME OF WARE.

Preamble.

WHEREAS the inhabitants of Ware-River Parish, so called, in the county of Hampshire, have represented to this court the great difficulties and inconveniencies they labour under, in their present situation, and have earnestly requested that they may be incorporated into a district,—

Be it therefore enacted by the Governor, Council and House of Representatives,

District of Ware incorporated.

[SECT. 1.] That the said Ware-River Parish, so called, bounded as follows; viz[q]., southerly, upon Palmer, including that tract of land in said Palmer which is the property of the heirs of Isaac Magoon, deceased; easterly, upon Western and Brookfield; northerly, upon Hardwick and Greenwich; and westerly, upon Swift River, be and is hereby incorporated into a district by the name of Ware; and that the said district be and hereby is invested with all the priviledges, powers and immunities that towns in this province, by law, do or may enjoy, that of sending a representative to the general assembly only excepted.

And be it further enacted,

Inhabitants to be warned, and by whom.

[SECT. 2.] That Eleazer Porter, Esq[r]., be and hereby is directed and impowered to issue his warrant, directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district, qualified to vote in town affairs, to assemble at some suitable time and place in said district, to chuse such officers as are necessary to manage the affairs of said district.

Provided, nevertheless,—

Proviso.

[SECT. 3.] The inhabitants of said district of Ware shall pay their proportionable part of all such town, county and province charges as are already assessed, in like manner as thô this act had not been made; and that part of the province tax which is the proportion of the said Magoon's farm, shall hereafter be abated the district of Palmer, and be borne and paid by the said district of Ware. [*Passed November* 25; * *published November* 28.

* Signed November 28, according to the record.

CHAPTER 19.

AN ACT FOR EXCHANGING OF MEADOW AND MEADOWISH GROUND BELONGING TO THE FIRST PRECINCT IN MARSHFIELD, IN THE COUNTY OF PLYMOUTH, WITH NATHAN[I][A]EL RAY THOMAS, OF SAID MARSHFIELD, GENTLEMAN, FOR SALT MEADOW.

Preamble.

Whereas the said precinct is seized and possessed of a certain tract of land or meadowish land, containing ninety acres, more or less, s[c]ituate in Marshfield, aforesaid, on the south side of Green's-Harbour River, so called, bounded easterly by the meadow formerly granted by the town of Marshfield to Mr. William Thomas; north-westerly by Green's-Harbour River, as it runs and extends up stream, 'till it comes to the upper end of the great fresh marsh called Green's-Harbour-River Marsh, where the river comes to the upland at the head of said marsh; and is bounded, southerly, by the land granted by the court of New Plymouth to Mr. William Thomas, to be holden as a perpetual p[a][e]rsonage; *and whereas* the said Nathan[i][*a*]el Ray Thomas is seized and possessed of a large quantity of salt meadow, as an estate in tail, thirty acres whereof is bounded as follows; viz[t]., beginning below Hoockan[u][*te*]m Point, so called, by a stake standing on the south-east side of Green's-Harbour River; and from thence, south, seventy degrees east, ninety-one rod and an half, to a stake standing by a ditch; and from thence, north, thirty-five degrees east, by said ditch, twenty-six rods and three-quarters, to said river; and from thence, by said river, up stream, 'till it comes to the bounds first mentioned; exclusive of a little sedge-island in said river, on the easterly side of the premis[s]es, as the same was laid out by Mr. John Wadsworth, surveyor, on oath; *and whereas* the said parish, as well as the Reverend Mr. Thomas Brown, the present minister, on the one part, and the said Nathan[i][*a*]el Ray Thomas, on the other, for their mutual advantage and benefit, have agreed to an exchange of the above-recited premisses; that is to say, that the said precinct, by its present minister, and so, in succession, to them, and all future ministers, forever, shall have, hold, possess and enjoy the said thirty acres of salt meadow above described and bounded, and for the same uses and purposes as they heretofore held and enjoyed the aforesaid ninety acres; and that they, in perpetual succession, shall forever be excluded from any preten[s][*t*]ions to the said ninety acres; and that the said Nathan[i][*a*]el Ray Thomas shall have, hold, possess and enjoy the said ninety acres of meadow and meadowish lands, aforesaid described and bounded, as an estate in tail, to him and his heirs, in the same manner, to all intents and purposes, as he heretofore held and enjoyed the aforesaid thirty acres; and that he, and his heirs in tail, shall forever be excluded from any preten[s][*t*]ion or claim, whatever, to the said thirty acres of salt meadow,—

Be it therefore enacted by the Governo[u]*r, Council and House of Representatives*,

Agreement of the parties, confirmed.

That the afore-recited agreement, between the said first parish in Marshfield, and the said Nathan[i][*a*]el Ray Thomas, be and hereby is confirmed; and that the said parish, by its present minister, and so to them in future, and to all succeeding ministers, forever, shall have, hold, possess and enjoy the said thirty acres of salt meadow, in as ample a manner, and to the same use, as they heretofore possessed the said ninety acres; and they and every of them from any pretensions to the said ninety acres shall forever be excluded and debarred; and that the said Nathan[i][*a*]el Ray Thomas, and his heirs in tail,

shall, forever hereafter, in as ample a manner, have, hold, possess and enjoy the said ninety acres in the same way and manner as he heretofore held and possessed the said thirty acres of salt meadow; and he, and his heirs in tail, shall forever be excluded from any right or preten-[s][t]ion to said thirty acres of salt meadow aforementioned. [*Passed and published November* 28.

CHAPTER 20.

AN ACT TO ANNUL[L] A DIVISION HERETOFORE MADE BY THE PROPRIETORS OF COMMON AND UNDIVIDED LANDS IN A PLACE, CALLED PHILLIPSTOWN, IN THE COUNTY OF YORK.

Preamble.

WHEREAS the proprietors of the common and undivided lands in a place, called Phil[*l*]ipstown, in the county of York, have petitioned this court, setting forth that, in order to an effectual settlement of the said lands, it is needful[l] that a division be made thereof, that so each proprietor may know and settle his part in severalty; and that it appears by the records of said proprietors that, in the year 1730, a division was made of two thousand acres, part of the said land, into forty lots of fifty acres each, and that the proprietors drew their several lots in the said division; but that it no way appears where and in what manner the said lot[t]s were laid and bounded, nor any plan of the division being to be found, the petitioners did thereupon pray that the said ancient division may, by the authority of this court, be annulled and vacated, to the end they may proceed regularly in a new division:—

Be it therefore enacted by the Governor, Council and House of Representatives,

Division in 1730 declared void.

[SECT. 1.] That the said division, made in the said year 1730, be and hereby is annulled and made void; and that the said proprietors be and hereby are enabled to proceed to a division of the whole, or any part of the lands by them held in common, as aforesaid, as they might have done if the division aforesaid, in the year 1730, had never been made.

Provided, always,—

Proviso.

[SECT. 2.] That nothing in this act shall be understood, or construed, to affect the right or title of any person actually settled upon lands, in any part of Phil[*l*]ipstown, assigned or allotted to him before the making of the division aforementioned; but such right and title shall be and remain as if this act had never been passed. [*Passed November* 28.

CHAPTER 21.

AN ACT IN ADDITION TO AN ACT, MADE AND PASS[E]'D IN THE TENTH YEAR OF QUEEN ANNE, INTIT[*U*]LED "AN ACT FOR SUPPRESSING ROBBERIES AND ASSAULTS."

Preamble. 1711-12, chap. 2, § 2.

WHEREAS the act intit[*u*]led "An Act for suppressing robberies and assaults," made and pass[e]'d in the tenth year of Queen Anne, is insufficient to restrain ill-minded and wicked ruffians from assaulting and robbing his majesty's liege people as they are travelling the common roads, highways or streets,—

Be it enacted by the Governo[u]*r, Council and House of Representatives,*

[Sect. 1.] That every person or persons that shall, after the first day of December next, assault, rob and take away from the person of another, in or upon any highway, street, passage, field or open place, any money, goods, cloathing or other thing, whatsoever, and shall be thereof convict, shall be adjudged guilty of felony, and suffer the pains of death accordingly, without benefit of clergy. Persons convicted guilty of felony.

And whereas, by the act aforesaid, it is enacted that whoever "shall be convicted of assaulting or offering any violence or insolence to any woman or womankind in the fields, streets or lanes in any town, or of despoiling them, damnifying or defacing any of their attire or ornaments, or attempting the same, shall be punished by being publickly whipped, not exceeding ten stripes, or by being committed to the house of correction, to receive the discipline of the house, and continue there by the space of thirty days, and kept according to the rules and orders of the house, and also find sureties for the good behaviour, before he be discharged; and any two justices of the peace, *quorum unus*, in the vacancy of the court of general sessions of the peace, are impowered to hear and determine this offence,"— Preamble.

Be it further enacted,

[Sect. 2.] That, instead of the above-mentioned offence being tried by two justices of the peace, *quorum unus*, it shall be tried by the justices of the court of general sessions of the peace, who are hereby [e][*i*]mpowered and directed to try the same; and the person or persons convicted shall be sentenced to pay a fine not exceeding ten pounds, at the discretion of the justices, according to the nature of his or their offence, or to be publickly whipped, not exceeding ten stripes; any law, usage or custom to the contrary notwithstanding. [*Passed and published November* 28. Justices of the court of the sessions, to try.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE THIRTEENTH DAY OF JANUARY, A.D. 1762.

CHAPTER 22.

AN ACT IN ADDITION TO AN ACT, INTITULED "AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF FORTY-NINE THOUSAND ONE HUNDRED POUNDS, TO BE THENCE ISSUED FOR THE DISCHARGING THE PUBLICK DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN," AND TO ONE OTHER ACT, INTITULED "AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF THIRTY-NINE THOUSAND POUNDS."

Preamble. 1761-62, chap. 4.

WHEREAS, in and by an act of the great and general court, made and passed at their session in May, one thousand seven hundred and sixty-one, the treasurer was impowered and directed to borrow a sum, not exceeding forty-nine thousand and one hundred pounds, and by one other act, made and passed at the same session, the treasurer was impowered and directed to borrow a further sum, not exceeding thirty-nine thousand pounds, both which sums amount to eighty-eight thousand one hundred pounds; for which sums, by the acts aforesaid, the treasurer was to give his receipts, or obligations, to repay the same upon the twentieth of June, one thousand seven hundred sixty-three; and it appearing to this court that the treasurer has not borrowed the aforesaid sum of eighty-eight thousand one hundred pounds, nor any part thereof; *and whereas* the parliamentary grants for several years past have been remitted, and received into the treasury of this province, in gold coin, and paid out to the several province creditors to whom it was due, and gold is now become by far the greatest part of the medium of trade in this province; and it may be greatly to the disadvantage of the people of this province to be obliged to pay their taxes, for the money which is yet to be borrowed by the treasurer, in any other species than in such money as has been received as aforesaid,—

1761-62, chap. 15.

Be it therefore enacted by the Governor, Council and House of Representatives,

Treasurer to issue notes of a new form.

[SECT. 1.] That the treasurer, instead of giving his receipts or obligations in the manner and form agreed on by the acts aforesaid, shall give his receipts or obligations in the form following; viz.,—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or to his order, the day of , A.D. , the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for

1749-50, chap. 19.

ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within this government," and according to the rates therein mentioned, with interest, annually, at six per cent.

Witness my hand. H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

—which form, except as is hereafter provided, shall be printed upon the most suitable paper that can be provided by the treasurer, and a suitable border round the same,—with the words "Province of the Massachusetts Bay," the word "Committee," and the words "Witness my hand,"—shall be struck off from a copper-plate, which the treasurer likewise is hereby directed and impowered to procure: and each blank, before it be filled up, shall be stamped, in some convenient part of it, with a stamp of a new form, to be procured by the treasurer for that purpose. To be stamped.

And be it further enacted,

[Sect. 2.] That a committee of three shall be appointed by the general court, who shall sign all the blanks, at the left hand, as in the form aforesaid is prescribed, before the treasurer fills them up; and the said treasurer and said committee are also impowered and directed to dispose of the custody of said copper-plate, and stamp, in such manner as in their discretion shall appear most likely to prevent any frauds or counterfeits; and the said committee, and all persons to be employed in the printing, engraving or stamping of said blanks, shall be under oath to the faithful discharge of their respective trusts. [*Passed January* 31; * *published February* 15, 1762. Committee to sign with the treasurer.

CHAPTER 23.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF TWENTY-FIVE THOUSAND POUNDS.

Whereas there is no provision made by this court to pay off the forces employed by this government for their services in the year one thousand seven hundred and sixty-one, under the command of General Amherst,— Preamble.

Be it enacted by the Governo[u]*r, Council and House of Representatives*,

[Sect. 1.] That the treasurer be and he hereby is directed and [e][*i*]mpow[e]red to borrow, from such person or persons as shall be willing to lend the same, a sum not exceeding twenty-five thousand pounds, in mill'd dollars at six shillings each, or in coined silver and gold at the rate mentioned in an act of this province made and passed in the twenty-third year of his late majesty George the Second, inti-t[*u*]led "An Act for ascertaining the rates at which coined silver and gold, and English halfpence and farthings, may pass within this government." Treasurer empowered to borrow £25,000. 1749-50, chap 19.

And for the sum so borrowed, the treasurer shall give his receipts or obligations in the form following; viz[t].,—

Province of the Massachusetts Bay, the day of , A.D. .
Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said Form of treasurer's receipt.

* Signed March 6, according to the record.

province, I do hereby promise and oblige myself and successors in the office of treasurer to repay to the said or to his order, on the twentieth day of June, A.D. one thousand seven hundred and sixty-five, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coin'd silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intit[u]led "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within this government," and according to the rates therein mentioned, with interest, annually, at six per cent.

Witness my hand. H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

To be stamped.

—and no receipt shall be given for less than six pounds; which form, excepting as is hereafter provided, shall be printed upon the most suitable paper that can be procured by the treasurer; and a suitable border round the same, also the words "Province of the Massachusetts Bay," the word "Committee," and the words "Witness my hand," shall be struck off from a copper-plate, which the treasurer likewise is empowered to procure: and each blank, before it is filled up, shall be stampt with a stamp, of a new form, to be procured by the treasurer for that purpose.

And be it further enacted,

Committee to sign with the treasurer.

[SECT. 2.] That a committee of three shall be appointed by the general court, who shall sign all the blanks, at the left hand, as in the form aforesaid is prescribed, before the treasurer fill them up; and the said treasurer and said committee are also [e][*i*]mpowered and directed to dispose of the custody of said copper-plate, and stamp, in such manner as in their discretion shall appear most likely to prevent any frauds or counterfeits; and the said committee, and all persons to be employed in the printing, engraving or stamping of[f] said blanks, shall be under oath to the faithful discharge of their respective trusts.

Be it further enacted,

Money borrowed, how to be applied.

[SECT. 3.] That the monies borrowed by the treasurer, by virtue of this act, shall be appl[i][*y*]ed for the payment of the forces employed by this government in the year one thousand seven hundred and sixty-one, and drawn out of the public[k] treasury, by warrant from the governo[u]r, with advice of council, upon the appropriation for the campaign in the year one thousand seven hundred and sixty-one.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act,—

Be it enacted,

Tax of £30,000, granted in 1764.

[SECT. 4.] That there be and hereby is granted unto his most excellent majesty a tax of thirty thousand pounds, to be levied on [the] polls, and estate both real and personal, within this province, according to such rules and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly at their sessions in May, one thousand seven hundred and sixty-four, and to be paid into the publick treasury on or before the last day of March then next after.

And be it further enacted,

Rule for apportioning the tax, in case no tax act shall be agreed on.

[SECT. 5.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-four, and sometime before the twentieth day of June in said year, shall not agree and conclude upon an act apportioning the sums which, by this act, are engaged to be in said year apportioned, assessed and levied, then and in such case, each town and district within this province shall pay, by a tax to be levied

on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[Sect. 6.] And the province treasurer is hereby fully [e][*i*]mpowered and directed, sometime in said month of June, in the same year, one thousand seven hundred and sixty-four, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act; and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts, after payment thereof.

Provided, always,—

[Sect. 7.] That the remainder of the sum which shall be brought into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed January* 29;* *published February* 15, 1762. Proviso.

CHAPTER 24.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED, AND WINE, AND UPON LIMES, LEMMONS AND ORANGES.

We, his majesty's most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous of lessening the present debt of the province, have chearfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the end and use above mentioned, and for no other use, an excise upon all rum, and other spirits distilled, and upon all wines whatsoever, and upon lemmons, limes and oranges, to be raised, levied and collected, and paid in manner and form following:— Preamble.

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-two, and until the twenty-sixth day of March, one thousand seven hundred and sixty-five, every person already licen[s][*c*]ed, or that shall be hereafter licen[s][*c*]ed, to retail rum or other spirits distilled, or wine, shall pay the duties following:— Time of this act's continuance.

For every gallon of rum and spirits distilled, eightpence.

For every gallon of wine, of every sort, twelvepence.

For every hundred of lemmons or oranges used and consumed in making punch, or otherwise for sale by taverners and innholders only, eight shillings.

For every hundred of limes used and consumed in making punch, or Accounts to be taken.

* Signed March 6, 1762, according to the record.

otherwise for sale by taverners and innholders only, three shillings. —And so proportionably for any quantity or number.

And be [it] further enacted,

[SECT. 2.] That every retailer of rum, wine or spirits distilled, taverner, innholder and common victualler, shall, on the twenty-sixth day of March, one thousand seven hundred and sixty-two, take a just and true account, in writing, of all wine, rum and spirits distilled, then by him or her, or in his or her possession; and that every person who shall be hereafter licen[s][c]ed to be a taverner, innholder, common victualler and retailer of wine, rum or spirits distilled, shall take a like account of all wine, rum and other spirits distilled, by him or her, or in his or her possession, at the time of such licen[s][c]e granted; and every taverner, innholder, common victualler and retailer of rum or other spirits distilled, or wine, shall make a fair entry, in a book by them respectively to be kept for that purpose, of all such rum, or other spirits distilled, or wine, as he or she, or any person or persons for him or her, shall buy, distill, take in or receive, after such first account taken, and when and of whom the same was bought and taken in; and at the expiration of every half-year shall take a just and true account how much thereof then remains by them; and shall, in writing, under their hands, render to him or them that shall collect the duties aforesaid the whole of those several accounts, and shall also make oath, in the form following, before such collector or collectors, who are hereby impowered to administer the same:—

Form of the oath.

You, A. B., do swear that the account by you now rendered, is, to the best of your knowle[d]ge, a just and true account of all wines, rum and distilled spirits you had by you, or in your possession, on the twenty-sixth day of March, one thousand seven hundred and sixty-two, and also of all the wine, rum and other distilled spirits bought, distilled, taken in or received by you, or by any person or persons for or under you, or by or with your knowledge, allowance, consent or connivance, and that there still remains thereof in your possession, unsold, so much as is in this account said to remain by you unsold; and that you do not know or believe that there has been by you, or by any other person or persons for or under you, or by your or their order, allowance, consent or connivance, either directly or indirectly, sold, used or consumed any wine, or any liquor for, or as, wine, any rum or distilled spirits, or liquor for, or as, rum or distilled spirits; or that there has been any limes, lemmons or oranges by you, or by any person or persons for or under you, or by your order, consent, allowance or connivance, used in making punch, or otherwise for sale, since the said twenty-sixth day of March, one thousand seven hundred and sixty-two, besides what is contained in the account by you now rendered. So help you God.

Penalty for collector's receiving accounts without oath.

—and every collector of the excise who shall receive any account from any person, in consequence of this act, without their making oath to the same, as aforesaid, shall forfeit and pay for the use of the government the sum of twenty pounds.

[SECT. 3.] And for every person that was not licen[s][c]ed on the same twenty-fifth day of March, the form of the oath shall be so varied as that instead of expressing the day aforesaid, the time of taking and rendering their last accounts shall be inserted and used; and for every person rendering an account after the first, the oath shall be so varied, as that, instead of expressing the day aforesaid, the time of taking and rendering their last accounts shall be inserted and used.

Oath to be varied.

Duties to the collector.

[SECT. 4.] And every such taverner, innholder, retailer and common victualler shall pay the duties aforesaid to him or them that shall collect the same, on the whole of the several articles mentioned in such account rendered, *saving only* for such part thereof as remains in their hands unsold: *provided*, *nevertheless*, that for leakage, &c[a]., ten per

Ten per cent

cent shall be allowed them on all liquors in such account mentioned, besides what remains in their hands unsold. allowed for leakage.

And be it further enacted,

[Sect. 5.] That every person hereafter licen[s][c]ed to be a taverner, innholder, common victualler or retailer of any wine, rum or spirits distilled shall, within thirty days after such licen[s][c]e granted, and before he or she shall sell by virtue of the same, not only become bound to keep good rule and order, as by law is already required, but shall also become bound, with sufficient sureties, by way of recognizance, to his majesty, for the use of this government, in a sufficient sum, to be ordered by the court that grants the licen[s][c]e, which sum shall not exceed three hundred pounds nor be less than fifty pounds, conditioned that they shall keep and render the accounts aforesaid, and pay the duties aforesaid, as in and by this act is required. Taverners, &c., to give bond.

And be it further enacted,

[Sect. 6.] That every such taverner, innholder, common victualler and retailer, who shall neglect or refuse to take, keep and render such accounts as by this act are required, or that shall neglect or refuse to take the oath aforesaid, shall forfeit and pay, to him or them that shall collect the duties aforesaid, double the sum which the court of general sessions of the peace in that county shall adjudge that the duties of excise upon the liquors, limes, lemmons and oranges, by such taverner, innholder, common victualler or retailer, or by any for, by or under him or them, sold, used or consumed would have amounted to; and no person[s] shall be licen[s][c]ed by the justices of the general sessions of the peace, who have not accounted with the collector, and paid him the excise aforesaid, due from such person at the time of his or her taking or renewing his licence. Forfeiture for neglect in keeping and rendering accounts.

And whereas, notwithstanding the laws made against selling strong drink without licence, many persons, not regarding the penalties of said acts, do receive and entertain persons in their houses, and sell great quantities of spirits and other strong drink, without licence, by reason whereof great debaucheries are committed and kept secret, and such as take licences and pay the duties of excise therefor are greatly wronged, and the government thereby defrauded,— Preamble.

Be it therefore enacted,

[Sect. 7.] That if any distiller, importer, or any other person whatsoever, after the said twenty-fifth day of March, shall presume, directly or indirectly, to sell any rum or other distilled spirits, or wine, in less quantity than twenty-five gallons, or any beer, ale, cyder, perry or other strong drink, in any quantity less than ten gallons, without licence first had and obtained from the court of general sessions of the peace in that county, and recognizing in manner as aforesaid, shall forfeit and pay for each offence the sum of four pounds and costs of prosecution, two thirds for the use of the government, and the other third for the prosecutor; and all such as shall neglect or refuse to pay the fine aforesaid, shall stand closely committed in the common goal of the county, and not have the liberty of the goaler's house or yard, until said sum of four pounds is paid, with costs; and any goaler giving liberty contrary to this act, shall forfeit and pay the said sum of four pounds, to be disposed of in manner aforesaid, and costs of prosecution. Forfeiture for selling without license.

And whereas some doubts have arisen whether the lending or delivering rum, brandy or other spirits distilled, or wine, to others, for their use, upon agreement or confidence of having the like liquors returned again, be a sale thereof; wherefore, for removing all such doubts,— Preamble.

Be it enacted,

[Sect. 8.] That all rum, brandy and other spirituous liquors, and Liquors lent or

delivered on certain consideration, to be deemed a sale.

wine, lent or delivered to others for their use, upon such like consideration, is and shall be deemed and taken to be an absolute sale thereof; and that every person not licenced as aforesaid, that shall order, allow, permit or connive at the selling any rum, brandy or other distilled spirits, or wine, contrary to the true intent and meaning of this act, by his or their child or children, servant or servants, or any other person or persons in or belonging to his or her house or family, shall be deemed and taken to be the seller of such liquors, and be subject to the aforesaid pains and penalties provided against such offenders, and shall be recovered in like manner: *provided*, that if it shall be made to appear that the liquors lent or delivered as aforesaid shall have had the duties paid upon them, or were purchased of any person or persons having licence or permit, the person lending or delivering the same, as aforesaid, shall not be subject to the aforesaid pains and penalties.

Proviso.

Preamble.

And whereas divers other persons than those licen[s][c]ed to sell rum and other distilled spirits by retail, have heretofore supplied persons employed by them in the fishery, building vessels, and in other business, without paying any excise therefor, and thereby have defrauded the government of the duties of excise, and have not been subject to the penalty provided by law against selling drink without licence, and the same practice will probably be continued unless effectual care be taken to prevent the same,—

Be it therefore further enacted,

Persons not licensed supplying those employed by them in the fishery, &c., with spirituous liquors, to be deemed sellers.

[SECT. 9.] That all persons not licenced as aforesaid, who hereafter shall, by themselves, or by any other person or persons under them, or by their orders, allowance or connivance, supply any person or persons [i][e]mployed by them in the fishery, building of vessels, or any other business or employ, with rum or any other distilled spirits, or wine, shall be deemed and taken to be sellers of such liquors, and be subject to the aforesaid pains and penalties provided against persons selling any of the liquors aforesaid without licence, and shall be recovered in like manner, unless they make it appear that such wine, rum or other distilled spirits was purchased of a taverner, innholder or retailer, or other person or persons that had licence or permit to sell the same.

And be it further enacted,

One witness sufficient for conviction.

[SECT. 10.] That when any person shall be charged with selling strong drink without licence, one witness produced to the satisfaction of the court or justice before whom the trial is, shall be deemed sufficient for conviction. And when and so often as it shall be observed that there is a resort of persons to houses suspected of selling strong drink without licence, any justice of the peace in the same county, shall have full power to convene such persons before him, to examine them, upon oath, concerning the persons suspected of selling or retailing strong drink in such houses, outhouses or other dependencies thereof; and if, upon examining such witnesses, and hearing the defence of such suspected person, it shall appear to the justice there is sufficient proof of the violation of this act by selling strong drink without licence, judgment may thereupon be made up against such person, and he shall forfeit in like manner as if process had been commenced by action or information before the said justice; or otherwise the said justice may bind over the person suspected, and the witnesses, to the next court of general sessions of the peace for the county where such person shall dwell.

And be it further enacted,

Penalty for selling strong drink to negroes, mulattoes, &c.

[SECT. 11.] That when and so often as any person shall be charged with selling strong drink without licence to any negro, Indian or molatto slave, or to any child or other person under the age of discretion,

and other circumstances concurring, it shall appear to be highly probable, in the judgment of the court or justice before whom the trial shall be, that the person complained of is guilty, then and in every such case, unless the defendant shall acquit him- or herself upon oath (to be administred to him or her by the court or justice that shall try the cause), such defendant shall forfeit and pay four pounds, one third to the informer, the other two thirds to the collector of excise for the use of the government, and costs of prosecution; but if the defendant shall acquit him- or herself upon oath, as aforesaid, the court or justice may and shall enter up judgment for the defendant to recover costs.

And be it further enacted,

Penalty on persons refusing to give evidence.

[Sect. 12.] That if any person or persons shall be summoned to appear before a justice of the peace, or the grand jury, to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace, or other court proper to try the same, to give evidence on the trial of any person informed against, presented or indicted for selling strong drink without licence, and shall neglect or refuse to appear, or to give evidence in that behalf, every person so offending shall forfeit the sum of twenty pounds and cost of prosecution; the one half of the penalty aforesaid to be to his majesty for the use of the province, and the other half to and for the use of him or them who shall sue for the same as aforesaid. And when it shall so happen that witnesses are bound to sea before the sitting of the court where any person or persons informed against, for selling strong drink without licence, is or are to be prosecuted for the same, in every such case, the deposition of any witness or witnesses, in writing, taken before any two of his majesty's justices of the peace, *quorum unus*, and sealed up and delivered into court, the adverse party having first had notice, in writing, sent to him or her, of the time and place of caption, shall be esteemed as sufficient evidence, in the law, to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of trial, and given his, her or their deposition *vi*[*v*]*a voce*; and every person or persons who shall be summoned to give evidence before two justices of the peace, in manner as aforesaid, and shall neglect or refuse to appear, or to give evidence relating to the facts he or she shall be enquired of, shall be liable and subject to the same penalty as he or she would have been, by virtue of this act, for not appearing, or neglecting or refusing to give his or her evidence before the grand jury or court aforesaid.

And be it further enacted,

How fines, &c., are to be recovered.

[Sect. 13.] That all fines, penalties and forfeitures arising by this act shall and may be recovered by action or information before any court of record proper to try the same, and, where the sum forfeited doth not exceed four pounds, by action or information before any one of his majesty's justices of the peace in the respective counties where such offence shall be committed: which said justice is hereby [e][*i*]mpowered to try and determine the same. And said justice shall make a fair entry or record of all such proceedings: *saving*, *always*, to any person or persons who shall think him- her- or themselves aggrieved by the determination of said justice, liberty of appeal therefrom to the next court of general sessions of the peace to be holden for and within said county, at which court such offence shall be finally determined: *provided*, that in the same appeal the same rules be observed as are already required by law, in appeals from justices to the court of general sessions of the peace, *saving*, *only*, that the recognizance for prosecuting the appeal shall be eight pounds.

And be it further enacted,

Collector to set-

[Sect. 14.] That every collector shall settle all accounts relating

tle accounts.

to said excise in the several towns of the county where he is collector, first giving seasonable and publick notice of the time and place or places where said business shall be transacted.

And be it further enacted,

Collectors of the excise to be appointed by the general court.

[SECT. 15.] That there be one or more collectors in each county appointed by the general court,—or courts of general sessions of the peace, where it shall happen that such collector refuse to accept said office, or be removed by death or for mismanagement,—to take charge of this duty of excise, who shall have full power to inspect the houses of all such as are licenced, and of such as are suspected to sell without licence, which collector shall be upon oath to take care of the execution of this law, and to prosecute the breakers of it.

[SECT. 16.] And every collector of the excise in any county may substitute and appoint one or more deputy or deputies under him, upon oath, to collect and receive the excise aforesaid, which shall become due in said county, and pay in the same to such collector, which deputy and deputies shall have, use and exercise all such powers and authorities as in and by this act are given or committed to the collector for the better collecting the duties aforesaid, or prosecuting offenders against this act; for the doings of such deputies the collectors respectively shall be accountable.

[SECT. 17.] And the said collectors shall carefully examine the accounts of every licenced person in their respective counties, and demand, sue for, and receive the several sums due from them, by this act, and shall give in the name of every licenced and permitted person, and an account, under their hands, of the particular sums they receive, and of whom received, unto the treasurer, upon oath; which oath the treasurer is hereby [e][*i*]mpowered and directed to administer in the words following; viz[t].,—

Form of the oath.

You, A. B., do swear that this is a just and true account of the excise upon all wines, rum and distilled spirits, limes, lemmons and oranges by you received or secured to be paid in the county of ; and that the persons by whom such excise was paid or secured to be paid to you, were sworn in manner and form as by law is prescribed. So help you God.

Collectors to give two receipts for every sum received.

[SECT. 18.] And at the time of receiving any money, the said collector shall give two receipts, of the same tenor and date, mentioning what sum or sums they have received from any taverner, innholder, common victualler or retailer; one of which receipts to be by the said taverner, innholder, common victualler or retailer, returned to the court of general sessions of the peace, within their respective counties, at the next session of such court, and the clerks of said court shall, within thirty days after receipt thereof, transmit the same to the treasurer or receiver-general.

[SECT. 19.] And such collectors shall pay in to the public[k] treasury of this province all such sums as they shall receive, within six months from the date of their commission, and so, from time to time, within the space of the six months, as long as they shall continue in

Collectors' fees.

such office, on pain of forfeiting the reward given such collectors by this act, who shall be allowed, in the count[y][*ie*]s of Suffolk, Essex and Middlesex, two per cent, in the counties of Plymouth, Bristol, Hampshire and Worcester, two and an-half per cent, and in the other counties, three per cent, on all money by them collected and paid into the

Bond to be given to the treasurer, for treble the sum that the excise is farmed for.

treasury as aforesaid, each collector, before he enters into the said office, to give bond for treble the sum that it was farmed for in the respective counties, in the year one thousand seven hundred and fifty-seven, to the treasurer of this province for the time being, and his successors in said office; which bond shall be executed before the next court of general

sessions of the peace, in the respective counties, after such appointment, where the said collectors live, or before two of his majesty's justices of the peace, in the respective counties, one to be of the *quorum:* one of the said justices to return the certificate to the clerk of the sessions within thirty days, as aforesaid, and be transmitted to the treasurer of the province by the clerk of the peace within such county, within three months after the bond is executed; and the said treasurer shall put in suit the bonds of all such collectors who shall neglect to make due payment within fifty days after either of the times of payment.

And be it further enacted,

Penalty for collectors or deputies offending.

[Sect. 20.] That in case any collector of the excise as aforesaid, or his deputy, shall, at any time during their continuance in that office, wittingly and willingly connive at, or allow any person or persons in their respective divisions, not licenced by the court of general sessions of the peace, their selling any wine, rum or other liquors by this act forbidden, such collector or deputy, for every such offence, shall forfeit the sum of fifty pounds, and costs of prosecution; one half of the penalty aforesaid to be to his majesty for the use of this province, the other half to him or them that shall inform and sue for the same, and shall be thenceforward forever disabled from serving in said office: *saving* that said collector may give a permit to any person to sell rum, or other spirits distilled, or wine, in quantity from twenty-five gallons and upwards, agreeable to this act.

Provided, always, and it is the true intent and meaning of this act,—

Proviso.

[Sect. 21.] That if any taverner or retailer shall sell to any other taverner or retailer any quantity of whatever distilled liquors and wine, such taverner or retailer, selling as aforesaid, shall not be held to pay such duty, but the taverner or retailer who is the purchaser shall pay the same; and the seller as aforesaid, shall, and hereby is required to, deliver to the collector of this duty a true account of such liquors sold as aforesaid, and to whom sold.

And to the end that the revenue arising from the excise upon spirituous liquors may be increased, and raised with more equality,—

Be it enacted,

Duties to be paid upon all liquors imported or manufactured.

[Sect. 22.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-two, to the twenty-fifth day of March, one thousand seven hundred and sixty-five, upon all rum and other distilled spirits, and all wine imported and manufactured, and sold for consumption within this province, there be laid and [*is*] hereby [is] laid the duties of excise following; viz[t].,—

For every gallon of rum and spirits distilled, eightpence.

For every gallon of wine of every sort, one shilling.

—To be paid to the collector of excise, or his deputy, by every person having permit to sell the said liquors in each county, respectively.

And be it further enacted,

Liquors not to be sold by the importer, &c., without a permit.

[Sect. 23.] That every person that shall import any of the liquors aforesaid, or to whom any of them shall or may be consigned, shall be and hereby is prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his deputy. And every person distilling or manufacturing any of the said liquors, and every person owning or possessing any of them, excepting such as are or may be licenced by the court of general sessions of the peace, as aforesaid, shall be and hereby are prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his deputy, on forfeiture of fifty pounds and of the value of the liquors so sold; and the said permit shall express the particular county where the said liquors shall be permitted to be sold;

and if any person who shall have such permit shall sell and deliver, or cause to be sold and delivered, any of the liquors aforesaid from any other county not mentioned in such permit, he shall forfeit four pounds, to be paid, one third to the prosecutor, and the other two thirds to the collector for the use of this government.

Provided, nevertheless,—

Proviso.

[SECT. 24.] That the impost officer and his deputy shall be and hereby are respectively [e][*i*]mpowered to grant a permit for selling the liquors aforesaid, or any of them, to any person applying for the same, until a collector be appointed in each county, respectively, to whom the duty of excise shall be paid as aforesaid, and until the collector shall give public[k] notice of his appointment as aforesaid. And the said impost officer and deputy, shall transmit, to the collector of each county, an account of the permits by each of them, respectively, granted to persons living in such county.

And be it further enacted,

Collector applying to a justice for a warrant may search for liquors supposed to be concealed.

[SECT. 25.] That if the collector aforesaid or his deputy shall have information of any place where any of the liquors aforesaid shall have been sold by any person not having permit, as aforesaid, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said collector or deput[ie][*u*]s making oath that he hath had information as aforesaid, and that he hath just cause to suspect the liquors aforesaid, or some of them, have been sold at such place informed of as aforesaid; and having such warrant, and being attended by such officer, the said collector, or his deputy, may, in the day-time, between sun-rising and sun-setting, demand admittance of the person owning or occupying such place, and upon refusal shall have right to break open said place, and finding such liquors, may seize and take the same into his own custody; and the collector aforesaid, or his deputy, shall be and hereby is [e][*i*]mpowered to command assistance and impress carriages necessary to secure the liquors seized as aforesaid; and persons refusing assistance, or preventing said officers from executing their office, shall forfeit five pounds to his majesty for the use of the province, and the said collector or his deputy shall make reasonable satisfaction for the assistance afforded and carriages made use of to secure the liquors seized as aforesaid; and the collector, or his deputy, shall then file an information of such seizure in the inferio[*u*]r court of common pleas for the county wherein such seizure shall be made: which court shall summon the owner of such liquors, or the occupier of the shop, house, warehouse or distil-house where the same were seized, to appear and shew cause, if any he hath, why the said liquors so seized should not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or make default, the said liquors shall be adjudged forfeited, and the said court shall order them to be sold at public[k] vendue, and the neat produce of such sale shall be paid, one third to the prosecutor, the other two thirds to the collector for the use of this government.

Provided,—

Proviso.

[SECT. 26.] That if the liquors seized as aforesaid be less in quantity than one hundred gallons, the collector, or his deputy, shall file an information thereof with one of the justices of the peace within the county where the seizure shall be made, who shall summon the owner or occupier aforesaid in manner as aforesaid; and if such owner or occupier shall not shew cause, or make default as aforesaid, he shall adjudge such liquors forfeited, and shall order them to be sold as aforesaid, and the neat produce of such sale to be disposed of as aforesaid: *saving* to the person convicted liberty of appeal, entring into recogni-

zance to the king, for the use of the province, in the sum of fifty pounds.

And be it further enacted,

Persons having permit, as aforesaid, to render an account to the collector, at the end of every half-year, *saving*, &c.

[Sect. 27.] That every person having permit, as aforesaid, shall, at the end of each half-year respectively, from the twenty-fifth day of March, one thousand seven hundred and sixty-two, be ready to render to the collector aforesaid, or his deputy, an account, on oath, of all the liquors aforesaid by him or her, or any person or persons in his or her behalf, sold; and also of all the aforesaid liquors by him or her imported, distilled or manufactured, or which have come into his or her possession since the twenty-fifth day of March aforesaid, except the same were bought of a licenced person in a quantity less than twenty-five gallons, which in his or her family have been consumed or expended within each half-year, respectively; which account shall express the number of gallons of each kind of the liquors so sold and consumed; and shall pay therefor to the said collector or his deputy the duty aforesaid, excepting for so much as shall have been sold to taverners, innholders or retailers having licence from the sessions as aforesaid, or to any other persons having permit as aforesaid, and so much as shall have been exported out of this province; and if any of said liquors shall have been sold to persons licenced by the sessions, or to persons having permit, said account shall exhibit the names of such licenced persons who purchased, and persons having permit, and time when they purchased the same; and the persons accounting shall exhibit a certificate under the hand of the licenced or permitted person purchasing, which shall express the number of gallons, and the kind of the liquors purchased, and the time when the same was purchased, and the name of the town and county wherein such licenced or permitted person lives, and shall lodge the said certificate with the said collector, or his deputy; and for the quantity of the said liquors mentioned in such certificate, the said collector or his deputy shall not demand any duty, but shall deliver said certificate to the collector of the county wherein such licenced or permitted persons, signing the same, lives; which last-mentioned collector or his deputy shall settle with such licenced or permitted person for the duty aforesaid which may be due from him or her.

Persons having permit, as aforesaid, to give an account of liquors by them sent out of the province.

[Sect. 28.] And if any person having a permit or licence, as aforesaid, shall ship or export any of the liquors aforesaid out of this province in a quantity not less than thirty gallons, and shall make an entry thereof with the collector aforesaid, or his deputy, and shall produce to such collector, or his deputy, when he comes to settle his account of excise, one of the receipts or bills of lading given therefor by the master of the vessel on board which such liquors shall be shipped (or if it shall be carried out of the province by land, or in small boats, then of the person who is master of the land-carriage or boat), expressing the quantity thereof and the time of their being shipped, and shall lodge such receipt or bill of lading with the collector or his deputy aforesaid, and at the same time shall swear that such liquors are *bonâ fide* sent, or intended to be sent, out of the province, he or she shall not be held to pay the duty thereon aforesaid.

Persons not having permit to render an account, &c.

[Sect. 29.] And if any person not having permit or licence shall purchase, for exportation out of this province, any of said liquors, in a quantity not less than thirty gallons, of a person having permit or licence, the purchaser shall make entry with the collector or his deputy, and at the same time swear that such liquors are *bonâ fide* sent, or intended to be sent, out of this province, and shall, within ten days after shipping the same, deliver one of the receipts or bills of lading given for such liquors, as aforesaid, to the person of whom he purchased the

same, or be subject to pay the amount of the duty thereon to the person of whom he purchased the same as aforesaid, who shall pay such duty to the collector or his deputy; but if the purchaser aforesaid shall deliver such receipt or bill of lading as aforesaid, and it be lodged with the collector or his deputy, then, for the quantity of said liquors mentioned therein, the collector or his deputy shall not demand any duty.

Penalty for masters or others giving certificate without receiving the liquors.

[SECT. 30.] And if the master of any vessel, or any other person, shall give such certificate, receipt or bill of lading, without receiving the liquors mentioned therein, or if any person shall procure such certificate, receipt or bill of lading, with design to defraud the government, and shall be thereof convicted, they and each of them shall forfeit and pay the sum of one hundred pounds, two thirds for the use of this government, and the other third for the use of the prosecutor. And if any such certificate, receipt or bill of lading shall be forged, counterfeited or altered, the person forging, counterfeiting or altering shall incur the penalty of one hundred pounds.

Provided, nevertheless,—

Proviso.

[SECT. 31.] That the person having permit as aforesaid shall not sell any of the liquors aforesaid in a quantity less than twenty-five gallons (to be sold and delivered to one person at one time), unless he or she has licence from the court of general sessions of the peace, as aforesaid, on pain of incurring the several fines and penalties in the former part of this act, laid upon those persons who sell the liquors aforesaid without licence.

Be it further enacted,

Collector to give certificate, on penalty.

[SECT. 32.] That the collector aforesaid or his deputy, when the exporter shall make an entry with him as aforesaid, or shall make an entry with him and swear as aforesaid, shall give to said exporter a certificate of such entry, or a certificate of such entry and oath, on penalty of one hundred pounds, for the use of the exporter.

And be it further enacted,

Persons applying for a permit, to give bond.

[SECT. 33.] That every person applying to the collector or his deputy, or to the impost officer or his deputy, for a permit, shall give bond, for the use of this province, with or without sureties, in a sum not exceeding two hundred pounds nor less than twenty pounds, at the discretion of the collector or impost officer, conditioned for the payment of the excise that shall become due according to the account to be exhibited by such person taking such permit; and no person shall have such permit of the collector or impost officer until he hath given such bond.

Preamble.

And whereas the importer of any of the liquors aforesaid, or the person to whom they shall be consigned, may intend the same either for sale or for his or her own private consumption, in which case such importer or consignee is not sufficiently held by any preceeding part of this act to pay the duty or excise aforesaid; wherefore, in order to lay said duty or excise in as equal manner as may be,—

Be it enacted,

Persons importing liquors for private consumption, &c., to render account thereof to the collector.

[SECT. 34.] That every person that shall bring or import into this province, either by land or water carriage, any of the liquors aforesaid, either for sale or private consumption, shall, within twenty-four hours, pay or secure to the collector the duties or excise due thereon; but in case such importer or consignee be licenced or permitted, then he shall be held only to report the same to the collector of excise, and at the end of each half-year, respectively, shall make out an account expressing the kind and full quantity of the liquors aforesaid, imported or consigned as aforesaid; and when the account is rendered to the collector or his deputy, it shall be upon oath, and such importer or consignee shall pay to the said collector or his deputy, on the liquor or

liquors mentioned in said account, the duty of excise aforesaid, deducting ten per cent for leakage; and in case of failure herein, the offender shall pay a fine of four pounds, and treble duty or excise on the quantity so imported or brought in, one third of which shall be for the use of the province, the other two thirds for him or her that shall inform and sue for the same. .

Collector may apply to two justices, for a citation, where he may suspect persons giving a false account, &c.

[Sect. 35.] And if said collector or his deputy, shall have reason to suspect any person of bringing or importing into this province, either by land or water carriage, any of the liquors aforesaid, without having entered the same and secured the duties or excise aforesaid, the said collector may apply to two of the next justices of the peace to such suspected person, and within the county where he lives, and on making oath that he so suspects such person, said justices shall issue a process under their hands and seals, directed to the sheriff or his deputy, or constable, requiring him to summon such suspected person, and oblige him to give security to the amount of one hundred pounds, to appear and answer and respond the judgment that shall be given on the premis[s]es, and in case such person shall not give such security, to bring him before such justices at the time that said justices in such process shall appoint; and when the parties shall be before them, the said justices shall examine into the cause of complaint; and if it shall appear, either by confession of the party, or by the evidence of one credible witness, that he or she, or any one on his or her behalf, has imported or has had any of the liquors aforesaid consigned to him or her without having entered the same and secured or pay the duty or excise as aforesaid, such suspected person shall then render a full account, on oath, of the kinds and quality of the liquors imported or consigned as aforesaid, and shall pay on such liquors, or give security to pay, the aforesaid fine of four pounds, and treble duty or excise as aforesaid, one third for the use of this government, the other two thirds for the informer and prosecutor, and costs.

[Sect. 36.] And said justices are hereby [e][*i*]mpowered to make up judgment and award execution accordingly: *provided* the said fine and treble damage exceed not six pounds;* then said justices shall bind the offender to answer his offence at the next court of general sessions of the peace for the county where the offence was committed, and such offender shall enter into recognizance, with two sufficient sureties, to answer for his offence, in the sum of fifty pounds; and any person or persons upon refusing to render such account and paying as aforesaid, shall forfeit fifty pounds, one third for the use of the prosecutor, the other two thirds for the use of this government, in lieu of such fine and treble duty, to be recovered as is hereafter provided in this act.

[Sect. 37.] And if no confession be made by such suspected person, and no evidence produced as aforesaid, and it shall appear to the justices before whom the same is tried that there is sufficient ground of suspicion, the suspected person may then clear him- or herself from the complaint aforesaid, by taking an oath in the form following:—

Form of the oath.

You, A. B., do swear that you have not, directly or indirectly, either by yourself, or any person in your behalf, imported into this province any rum, spirits distilled, or wine, and that you have not had any of said liquors directly or indirectly consigned to you, but what you have paid, or secured to be paid, the duty or excise agreeable to an act of this province made in the second year of his majesty's reign, intit[*u*]led "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." So help you God.

—which oath the said justices are hereby impowered and required to administer.

* The words "but if such duty exceed six pounds" omitted: see foot-note on p. 315, *ante*.

Penalty for refusing to take the oath.

[SECT. 38.] And if such suspected person shall refuse to take said oath, and shall neglect to appear upon the citation aforesaid, he or she shall pay the cost of citations, and shall forfeit the sum of fifty pounds, one third for the use of the prosecutor, the other two thirds for the use of this government, and costs of prosecution; but if such suspected person shall take the said oath, the costs of citation or warrant shall be paid by the collector or his deputy, respectively, who applied for such citation or warrant; who shall also pay to the person cited or apprehended, and, taking said oath, the sum of twenty shillings; and in case any person shall be served with the process aforesaid, in manner aforesaid, and shall not appear according to the tenor thereof, said justices shall make a record thereof, and the security taken by the sheriff or his deputy, or constable, as aforesaid, shall be deemed forfeited, and the same by said collector may and shall be put in suit in any court proper to try the same, and the sum recovered shall be divided, one third to his majesty for the use of this province, and the other two thirds to such collector.

And be it further enacted,

Collector to grant a permit, on penalty.

[SECT. 39.] That the collector, or his deputy, shall be and hereby is obliged to grant a permit, under his hand, to every person applying for the same, on penalty of two hundred pounds, to and for the use of the person making application; which permit shall be in the form following; viz[t].,—

Form of the permit.

You, A. B., of C., in the county of D., are hereby permitted to sell rum and other distilled spirits, and wine, or any of said liquors, within the county of , until the day of , one thousand seven hundred and , pursuant to an act of this province, made in the second year of his majesty's reign, intituled "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." Dated at C., this day of , 176 .

A. B., *Collector (or deputy-collector) of excise for the county aforesaid.*

Fee for a permit.

And for such permit the said collector or deputy shall be [i][*e*]nti-t[*u*]led to receive twopence, and no more; and the like sum for an entry made with him, and the like sum for a certificate given by him.

And be it further enacted,

Collector to keep an office in each seaport town, &c.

[SECT. 40.] That the collector of excise, either by himself or his deputy, shall keep an office in each seaport town within his county, where he or his deputy shall give his attendance on every Thursday, from nine of the clock in the morning to twelve at noon, to grant permits, to receive entries, give certificates, &c.

Provided,—

[SECT. 41.] That in the town of Boston such an office shall be kept and attendance given on every day, Lord's Day only excepted, within the hours aforesaid of each of said days respectively.

Provided, also,—

[SECT. 42.] That the said collector, or his deputy, on application made, shall at any other time grant permits, receive entries and give certificates aforesaid.

Preamble.

And whereas persons not belonging to this province may import the liquors aforesaid, and take permit to dispose of the same, and may go out of the province before the time comes about when persons selling said liquors are held to account with the collector, and by that means may avoid paying the duty upon what has been so disposed of; for preventing whereof,—

Be it enacted,

Persons importing liquors, as aforesaid, to give bond.

[SECT. 43.] That every person importing the liquors aforesaid, and applying to the collector or his deputy for a permit to sell the same, shall give bond to said collector in a sum not exceeding two hundred

pounds, nor less than twenty pounds, with or without sureties, at the discretion of the collector, that he will render to said collector or his deputy an account, on oath, of the kind and full quantity of the liquors aforesaid sold by him, or by any person or persons on his behalf, and that * he will pay thereon the duty or excise aforesaid before he leaves the province; and if such person shall refuse to give such bond, the said collector or his deputy shall not be obliged to grant him a permit, any thing in this act to the contrary notwithstanding; and if such person shall sell any of the liquors aforesaid without permit, he shall be subject to all the penalties that other persons selling without permit are subject to; or if such person shall give bond as aforesaid, and shall leave the province before such bond be discharged, the collector may bring his action on such bond against the surety or sureties, for the recovery of the sum in such bond mentioned, which shall be, one third for the use of the prosecutor, the other two thirds for the use of this government.

Be it further enacted,

Deputy-collectors liable to military duties.

[Sect. 44.] That no person shall be exempted from any military duty by means or on account of his being appointed a deputy-collector of the duties of excise of spirituous liquors, but shall, to all intents and purposes, be liable to train, be impressed and perform every other military duty, as if such person had not been appointed a deputy-collector as aforesaid.

Be it further enacted,

All persons who had permits or license to sell liquors, and shall not renew the same, to account for the duties thereof.

[Sect. 45.] That all persons who took out permits in the preceeding years, and do not renew the same, shall, at the end of each half-year from and after the twenty-sixth day of March next, and until the twenty-sixth day of March, one thousand seven hundred and sixty-five, render to the collector or his deputy that shall or may be appointed in the respective counties by vertue of this act, an account, on oath, of all liquors remaining in their hands and consumed in his, her or their families during the continuance of this act, and pay the duties herein imposed, deducting ten per cent for leakage, upon penalty of fifteen pounds, one half to the informer, the other half to and for the use of this province.

Be it further enacted,

Collector of the duties of excise to account for all wine, &c., sold or consumed by them.

[Sect. 46.] That every person that hath been or may be appointed collector of the duties aforesaid, who shall import into this province, or shall have, by consignment or otherwise, or shall sell or dispose of any wine, rum or spirits distilled, limes, lemmons or oranges, or shall use or consume the same, such collector shall take, keep and render a like account thereof, upon oath, to the province treasurer (who is hereby impowered to administer the same in the form by this act prescribed), and pay to him the like duties thereon as such person so appointed collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the collector of the duties aforesaid; and that the same be done in like manner and time, and under the like pains and penalties, as by this act in such cases is provided.

Be it further enacted,

How fines, &c., arising by this act, to be disposed of.

[Sect. 47.] That all fines, penalties and forfeitures arising or accruing by any breach of this act, and not otherwise appropriated, shall be two thirds to his majesty, for the use of this government, and the other third for the use of the prosecutor, to be recovered by action or information in any of his majesty's courts of record. [*Passed January* 30; † *published February* 15, 1762.

* The rest of the engrossment is missing.

† Signed March 6, 1762, according to the record.

CHAPTER 25.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

Preamble.

WE, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the publick debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

Rates of impost.

[SECT. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-two, to the twenty-fifth day of March, one thousand seven hundred and sixty-three, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz.,—

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of sugar, fourpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, fourpence.

— And so, proportionably, for a greater, or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings' value, excepting such goods as are the product or manufacture of Great Britain.

Double impost to be paid for goods imported by the inhabitants of other colonies, &c.

[SECT. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize (excepting tea, which shall only pay fourpence) that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of the said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided always*, that every thing which is the growth or produce of the provinces or colonies aforesaid (tobacco and bar-iron excepted), and all provisions, salt, cotton-wool, pig-iron, mahogony, brazilleto, black-walnut, lignum-vitæ, red-cedar, log-wood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

Proviso.

And be it further enacted,

Drawback of the whole impost to the exporter, in case.

[SECT. 3.] That all goods, wares and merchandize, the property of any of the inhabitants of any of the neighbouring provinces or colonies on this continent, that shall be imported into this province, and shall have paid, or on which there shall have been secured to be paid, the duty of impost, by this act provided to be paid, and afterwards shall be exported and landed in any of the said provinces or colonies on this continent, then and in such case the exporter, producing a certificate from some officer of his majesty's customs, that the same has been

landed in some of the provinces or colonies aforesaid, shall be allowed a drawback of the whole duty of impost by him paid, or secured to be paid, as by this act provided.

And be it further enacted,

Masters of vessels to make report.

[Sect. 4.] That the master of every ship or vessel coming into this province from any other place, shall, within twenty-four hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner aforesaid, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantities of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that, if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he will forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

To forfeit, in case of breaking bulk.

[Sect. 5.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[Sect. 6.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make an entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz.,—

Oath.

You, A. B., do swear that the entry of the goods and merchandize, by you now made, exhibits the sterling value of said goods, and that, *bonâ fide*, according to your best skill and judgment, it is not less than that value. So help you God.

Duties to be paid before landing.

— which oath the commissioner or receiver, appointed in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay to the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

[Sect. 7.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or in any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[Sect. 8.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consign'd, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

Commissioner

[Sect. 9.] That the said commissioner shall be and hereby is al-

allowed to give credit.

lowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds: which credit shall be so limited as that he shall settle and ballance his accompts with every person, on or before the twenty-sixth day of March, one thousand seven hundred and sixty-three, that the said accounts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry, to what value soever.

And be it further enacted,

Importer by land-carriage or in small vessels to make report.

[SECT. 10.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fifth day of March, one thousand seven hundred and sixty-two, and until the twenty-sixth day of March, one thousand seven hundred and sixty-three, by land-carriage, or in small vessels and boats, shall make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay, or secure to be paid, the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed or put into any store or place whatsoever.

And be it further enacted,

Allowance for leakage.

[SECT. 11.] That every merchant or other person importing any wines into this province shall be allowed twelve per cent for leakage: *provided*, such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 12.] And if it may be made to appear that any wine imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered or the duty not paid.

[SECT. 13.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of the impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and

then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

Master liable to be sued.

[Sect. 14.] That the commissioner or receiver of the impost in each port, shall be and hereby is impowered to sue the master of any ship or vessel, for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entered and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ships, &c., liable to be taken in execution.

[Sect. 15.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost have not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures, or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutors or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto the owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[Sect. 16.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store to be allowed.

[Sect. 17.] And the commissioner or receiver of impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

And for the more effectual preventing any wines, rum or other distilled spirits being brought into the province from the neighbouring

governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost, —

Be it enacted,

Commissioner to appoint officers in places where wines, rum, &c., may be brought out of other governments.

[SECT. 18.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impowered and enjoined to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are also impowered to search, in all suspected places, for such wines, rum or other distilled spirits, or tea, brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided.

And be it further enacted,

Commissioner or deputy empowered to administer the oaths, &c.

[SECT. 19.] That the commissioner or his deputies shall have full power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

And be it further enacted,

The commissioner or deputy, upon information of any liquors being brought into this province, and the duty not paid, to apply to a justice for a warrant to search, &c.

[SECT. 20.] That if the said commissioner, or his deputy, shall have information of any wines, rum or other distilled spirits, or tea being brought into and landed in any place in this province, for which the duties aforesaid shall not have been paid after their being brought into or relanded in this government, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said commissioner or his deputy's making oath that he hath had information as aforesaid; and having such warrant, and being attended by such officer, the said commissioner or his deputy may, in the day-time, between sunrise and sun-setting, demand admittance, of the person owning or occupying such place, and, upon refusal, shall have right to break open such place; and, finding such liquors or tea, may seize and take the same into his own custody; and the commissioner aforesaid, or his deputy, shall be and hereby is impowered to command assistance, and impress carriages necessary to secure the liquors or tea seized as aforesaid; and any person refusing assistance, or preventing any of the officers aforesaid from executing their office, shall forfeit five pounds to the said commissioner; and he or his deputy shall make reasonable satisfaction for the assistance afforded and carriages made use of, to secure the liquors or tea seized as aforesaid; and the commissioner or his deputy shall then file an information of such seizure in the inferiour court of common pleas for the county wherein such seizure shall be made, which court shall summon the owner of such liquors or tea, or the occupier of such shop, house or warehouse, or distill-house, where the same were seized, to appear and shew cause, if any he has, why such liquors or tea so seized shall not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or shall make default, the said liquors or tea shall be adjudged forfeited, and the said court shall order them to be sold at publick vendue; and the nett produce of such sale shall be paid, one half to the province treasurer for the use of this province, and the other half to the said commissioner.

And be it further enacted,

Tonnage of shipping.

[Sect. 21.] That there shall be paid, by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jersey, Connecticut, New York, New Hampshire, Rhode Island and Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the aforesaid governments, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the uses and ends aforesaid.

Vessels to be measured, if suspected.

[Sect. 22.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessel, before she shall be cleared, in case she shall appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

Drawback for wine, rum, and tea allowed, in case.

[Sect. 23.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which shall have been paid agreeable to this act, shall be reshipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wine or rum or tea shall make oath, at the time of shipping, before the receiver of impost, or his deputy, that the whole of the wine or rum or tea so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government, — or otherwise, in case such rum or wines or tea shall be exported to any place where there is no officer of the customs, or to any foreign port, the master of the vessel in which the same shall be exported shall make oath that the same has been landed out of the government, and the exporter shall, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines, rum or tea has been relanded in this province, — such exporter shall be allowed a drawback from the receiver of impost as follows; viz.,—

For every pipe of wine, nine shillings.

For every hogshead of rum, seven shillings and sixpence.

And for every pound of tea, fourpence.

Provided, always,—

Proviso.

[Sect. 24.] That if, after the shipping of such wines or rum or tea, to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum or tea, so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so relanded and brought again into this province, shall be forfeited and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[SECT. 25.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and tunnage of shipping as aforesaid that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and tunnage arising on said vessel may appear; and the same to lie open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their entering upon the execution of their said office, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon, until one in the afternoon.

[SECT. 26.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries as aforesaid to himself and his deputies.

And be it further enacted,

Charges of prosecution, how to be paid, in case.

[SECT. 27.] That all penalties, fines and forfeitures, accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

Disposition of forfeitures.

[SECT. 28.] That from and after the commencement of this act, in all causes wherein any claimer shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed January* 30;* *published February* 15, 1762.

* March 6, according to the record.

CHAPTER 26.

AN ACT TO PREVENT DAMAGE BY FIRE IN THE TOWNS OF SALEM, MARBLEHEAD, AND OTHER MARITIME TOWNS IN THE PROVINCE.

Whereas great damage has many times arisen from fires, which have began in sailmakers' and riggers' lofts, and spread to the buildings adjacent,— Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the tenth day of June next, it shall not be lawful for any person to occupy or improve any tenement or building whatsoever, in any part of the towns of Salem, Marblehead, or any other maritime town in the province, for the business or employment of a sailmaker, or rigger, save only in such parts of the town as the selectmen of the said towns, respectively, or the major part of them, shall determine convenient; such determination to be certified under the hand of the town clerk. Selectmen to determine on suitable places for sail lofts.

[Sect. 2.] And if any person shall offend against this act, he shall forfeit and pay the sum of twenty pounds for every six months, and so in proportion for a greater or less [*er*]time, he shall so occupy or improve any tenement or building that shall not be licenced or allowed as aforesaid; one half thereof to and for the use of the poor of the town[*s*] of Salem, Marblehead, or other maritime town, respectively, the other half to him or them that shall inform and sue for the same; to be recovered before the court of general sessions of the peace for the county where the offence shall be committed. Penalty for transgressing.

[Sect. 3.] This act to continue and be in force until the twenty-ninth day of March, one thousand seven hundred and seventy. [*Passed January* 30; * *published February* 15, 1762. Limitation.

CHAPTER 27.

AN ACT FOR THE EFFECTUAL PREVENTING THE CURRENCY OF THE BILLS OF CREDIT OF CONNECTICUT, NEW HAMPSHIRE AND RHODE ISLAND, WITHIN THIS PROVINCE.

Whereas bills of credit still continue current within the governments of Connecticut, New Hampshire and Rhode Island, and it is of great importance to the interest of the inhabitants of this province, and to the interest of such of his majesty's subjects, in Great Britain and elsewhere, as have trade and commerce here, that the currency of said bills should be effectually prevented throughout this government,— Preamble. 1756-57, chap. 34.

Be it therefore enacted by the Governo[u]*r, Council and House of Representatives,*

[Sect. 1.] That every person within this province be and hereby is strictly forbidden to account, receive, take or pay any bill or bills of credit, of either of the governments of Connecticut, New Hampshire or Rhode Island, in discharge of any contract or bargain, or for any valuable consideration whatsoever; and that every person who shall so account, receive, take or pay any of said bills within this province, shall forfeit the sum of fifty pounds for every offence; one moiety thereof to his majesty, his heirs and successors, to and for the use of this govern- Penalty for receiving bills of Connecticut, New Hampshire and Rhode Island.

* Signed March 6, 1762, according to the record.

ment, the other moiety to him or them that shall sue for the same, to be recovered with full cost[s] of suit by action, of debt in any of his majesty's courts of record within [the] [*this*] province, or by presentment of the grand jury.

And be it further enacted,

Officers to take an oath.

[SECT. 2.] That from and after the thirtieth day of March, which will be in the year of our Lord one thousand seven hundred and sixty-two, every person who shall be chose to serve in any office in any of the towns or districts or precincts of this province, shall, before his entrance upon such office, take the following oath, to be administred by a justice of the peace, or, where no justice of the peace shall be present, by the town, district, or precinct clerk, who is hereby [e][*i*]mpowered to administer the same; viz[t].,—

Form of the oath.

You, A. B., do, in the presence of God, solemnly declare that you have not, since the thirtieth day of March [one thousand seven hundred and sixty-two] [*1762*], wittingly and willingly, directly or indirectly, either by yourself or any for or under you, been concerned in receiving or paying, within this government, any bill or bills of credit of either of the governments of Connecticut, New Hampshire or Rhode Island. So help you God.

[SECT. 3.] And where any person, chosen as aforesaid, shall refuse or neglect to take the oath aforesaid, on tendering the same, the town, district or precinct shall proceed to the choice of another person in his room; and where any person shall be elected by any town, district or precinct into any office, to the non-acceptance or refusal whereof a penalty is by law annexed, such person, neglecting or refusing to take the oath aforesaid shall be liable to the same penalty as is by law provided for the non-acceptance or refusal of such office.

And be it further enacted,

Representatives to take the oath.

[SECT. 4.] That when any person shall be chosen to represent any town within this province, in the general court or assembly, such person so chosen shall take the oath aforesaid; and return shall be made by the selectmen, upon the back of the precept, that the person so chosen hath taken the oath required in the act, made and passed in the second year of his majesty King George the [Third] [*Second*], in-tit[*u*]led "An Act for the effectual preventing the currency of the bills of credit of Connecticut, New Hampshire and Rhode Island, within this province;" and if any person so chosen shall refuse or neglect to take the oath aforesaid, such refusal or neglect shall be deemed a refusal to serve as a representative; and the town shall proceed to the choice of another person in his room.

And be it further enacted,

Councillors, and all civil and military officers, to take the oath.

[SECT. 5.] That the oath aforesaid shall be administred to each of the members of his majesty's council, every year, at the same time when the usual oaths required to be taken by the said members of his majesty's council shall be administred; and all officers, civil and military, within this government, who shall be nominated or appointed, shall, before they receive their respective commissions, take the oath aforesaid, and their respective commissions shall be otherwise void; and all persons elected into any office by the general assembly shall be deemed not qualified to enter upon the execution of their respective offices until they have taken the oath aforesaid.

And be it further enacted,

Persons taking out executions, to take the oath.

[SECT. 6.] That no execution shall be issued from the office of any clerk of any of the inferiour courts of common pleas, or of the superiour court[s] of judicature, for any sum whatsoever, unless the plaintiff or plaintiffs, suing in his or their own right, and dwelling within this province, shall first take the oath aforesaid, to be administred by

a justice of the peace, or by the clerk of the court from which such execution shall issue; and certificate thereof shall be made on such execution; and if any execution shall issue or go forth without such certificate, the same shall be and hereby is declared to be void; and no licence shall be granted to, nor any recognizance taken from, any taverner, innholder or retailer, by the justices of any of the courts of session[s] within this province, until such taverner, innholder or retailer shall have taken said oath in presence of the court, or certificate of his having so done, from a justice of the peace, shall be presented to the court.

And be it further enacted,

Clerk's fees for administering the oath.

[Sect. 7.] That for every oath administred as aforesaid by the clerk of any court, he shall be allowed threepence, and for every certificate by him signed as aforesaid, threepence, and no more; and the cost and charge of such oath and certificate shall be added to the sum in the execution required to be levied accordingly.

Preamble.

And whereas it frequently happens that persons who are intitled to take out writs of execution upon judgments by them obtained, are absent out of this province, or employed in his majesty's service in such parts of it as are very remote from the places where such judgments are entred, and so cannot take the oath by law appointed to be taken before executions are issued; wherefore, for remedy of these inconvenienc[*i*]es,—

Be it enacted,

Proviso for persons out of the province.

[Sect. 8.] That when any person or persons shall be absent from this province, or employed in his majesty's service in such parts thereof as are very remote from the courts or places where they recover judgments, in all such cases it shall be lawful for the clerks of the superiour court of judicature, court of assize and general goal delivery, and of the inferiour courts of common pleas, or other courts of law, to issue writs of execution, when applied for, upon judgments recovered by such person or persons as are before mentioned, notwithstanding he or they have not taken the oath appointed by this act to be taken: *provided*, *nevertheless*, that before executions are issued, as aforesaid, a certificate in writing, under the hand of any justice of the peace for any county in the province, shall be delivered to the clerk who issues the execution, setting forth that, at the date of said certificate, the person or persons on whose behalf execution is applied for, is then out of the province, or employed in his majesty's service as aforesaid.

Their absence to be certified.

[Sect. 9.] This act to continue and be in force until the last day of March, which will be in the year of our Lord one thousand seven hundred and sixty-seven. [*Passed January* 30;* *published February* 15, 1762.

CHAPTER 28.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED IN THE TWENTY-THIRD YEAR OF HIS LATE MAJESTY GEORGE THE SECOND, INTITULED "AN ACT FOR ASCERTAINING THE RATES AT WHICH COINED SILVER AND GOLD, AND ENGLISH HALFPENCE AND FARTHINGS, MAY PASS WITHIN THIS GOVERNMENT."

Preamble. 1749-50, chap. 19.

Whereas divers doubts have arisen and a question been made, whether the gold coins mentioned in an act, made and passed in the twenty-third year of his late majesty George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, and

* Signed March 6, 1762, according to the record.

English halfpence and farthings, may pass within this government," are a legal tender,—

Be it therefore enacted and declared by the Governor, Council and House of Representatives,

Gold and silver coin made a tender.

That the several gold and silver coins, in the said act specified, at the rates in the said act mentioned, are and shall be lawful money of this province, and a legal tender in all payments, publick and private; and all judgments shall be entered up in lawful money, without any abatement, rebatement or allowance by reason of the varying prices of gold or silver bullion: *provided*, that a johannes, or gold coin of Portugal, mentioned in the said act, shall not weigh less than eighteen pennyweight ten grains; an half-johannes, not less than nine pennyweight and five grains; a moidore, not less than six pennyweight twenty-two grains and one-quarter of a grain; and a guinea, not less than five pennyweight nine grains; and that such of the said coins which shall fall short of the respective weights aforesaid shall, nevertheless, be accounted a tender, with an allowance for such deficiency at the rate of gold at twopence halfpenny per grain. [*Passed February* 8,* 1762.

CHAPTER 29.

AN ACT FOR THE BETTER SECURING THE POSSESSORS OF THE PROVINCE TREASURER'S NOTES, BY ENABLING THE PROVINCE TREASURER TO GIVE NEW RECEIPTS OR OBLIGATIONS IN LIEU OF SUCH NOTES AS ARE NOW EXTANT.

Preamble.

WHEREAS the treasurer of this province hath been impowered and directed, by several acts, to borrow large sums of money for the use of the province, and to give his receipts or obligations for the payment of the same, many of which receipts and obligations are now outstanding and unpaid; and divers frauds and deceits have been put upon several persons, by forging and counterfeiting said receipts and obligations, tendering in payment, uttering and exchanging, such forged and counterfeit receipts and obligations, to the prejudice of the publick credit,—

Be it therefore enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That all receipts, notes, or obligations, hereafter to be given by the treasurer of this province, by virtue of this or any other act now in force, for money borrowed, or to be borrowed, for the use of the province, shall be in the form following; viz.,—

Form of the new notes.

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay to the said or to his order, the day of , A.D. , the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated 1749-50, chap. 19. in an act made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," — and according to the rates therein mentioned, with interest annually, at six per cent.

Witness my hand. H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

* Signed March 6, according to the record.

—which form, except as is hereafter provided, shall be printed upon the most suitable paper that can, from time to time, be provided by the treasurer; and a suitable border round the same, and also the words "Province of the Massachusetts Bay," the word "Committee," and the words "Witness my hand," shall be struck off from a copper-plate, which the treasurer likewise is impowered and directed to procure: and each blank, before it is filled up, shall be stamped, in some convenient part of it, with a stamp, of a new form, to be procured by the treasurer for that purpose.

And be it further enacted,

Committee to sign the new notes.

[Sect. 2.] That a committee of three shall, from time to time, be appointed by the general court, who shall sign all the blanks, at the left hand, as in the form aforesaid is prescribed, before the treasurer fill them up; and the said treasurer and the said committee are also impowered and directed to dispose of the custody of said copper-plate, and stamp, in such manner as in their discretion shall appear most likely to prevent any frauds or counterfeits; and the said committee, and all persons to be employed in the printing, engraving or stamping of said blanks, shall be under oath to the faithful discharge of their respective trusts.

And be it further enacted,

Old notes to be exchanged.

[Sect. 3.] That the treasurer be and he is hereby impowered and directed, upon the request of the possessor or possessors of any of his receipts or obligations, for money borrowed for the use of the province, which are now outstanding, and not payable at the time of such requests, to take such receipts and obligations up, and to give the possessor or possessors, in lieu thereof, new receipts or obligations for such sum or sums as are contained in the receipts or obligations so taken up; or shall give one new receipt for any such number of old ones as the possessor shall request to have in one new receipt or obligation, taking care to pay the interest up to the time of exchanging such old receipts or obligations; which new receipts or obligations shall be made payable at the same periods with those taken up: *provided* none of said new receipts be for less than six pounds; and all the funds established or appropriated, by any act or acts of this province, for the redemption and payment of any such old receipts or obligations, are hereby confirmed, and shall remain established and appropriated to the redemption and payment of the new receipts and obligations to be given in the form prescribed by this act; and such new receipts and obligations shall, to all intents and purposes, avail the possessor as if he were possessed of the receipts or obligations so to be given up.

Records confirmed.

And be it further enacted,

No further interest to be allowed on notes payable after the last of June

[Sect. 4.] That no possessor or possessors of any of the treasurer's notes, receipts, or obligations, now payable, or that may become payable before the last day of June next, shall receive any interest upon such receipt or obligation for any longer term than until the last day of July next.

Provided, always,—

Notes now outstanding to be paid in silver, if not exchanged.

[Sect. 5.] That all the treasurer's notes which are now outstanding and unpaid, and which the possessors will not exchange for notes of the above-mentioned form, shall, at the several periods of payment, be paid according to the face of such outstanding notes; and all such as promise silver shall be paid in silver at six shillings and eightpence per ounce, or Spanish mill'd dollars at six shillings each; and the treasurer is hereby directed to pay the same accordingly.

And be it further enacted,

Such notes to

[Sect. 6.] That all the possessors of the treasurer's notes, who do

be brought, in to be stamped.

not chuse to have them exchanged for notes of the new form, shall, some time before the last day of June next, bring such notes to the treasurer's office and have them stamped, and an account taken of them by the treasurer and a committee to be appointed by the general court; and no interest shall be paid upon any such treasurer's notes, receipts or obligations, not brought in as aforesaid, for any longer time than until the last day of July next; which notes, so stamped, shall be returned to the possessors, and the account so taken shall be signed by said committee, and by them transmitted to the general court. [*Passed February* 10, 1762.*

CHAPTER 30.

AN ACT TO INVEST THE COMMITTEE OF THE FIRST PRECINCT IN REHOBOTH, WITH CORPORATE POWERS FOR CERTAIN PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS the first precinct in Rehoboth, whereof the Reverend Mr. John Carnes is the present pastor, have humbly supplicated this court, setting forth that, by the sale of certain lands they were by this court enabled to sell, they are now possessed of the sum of six hundred pounds, which sum, with some interest gained thereto, they pray may be placed at interest, and the interest accruing thereby to be placed at interest, until[l] the sum of twelve hundred pounds be thereby raised on the whole; and that the same sum may be placed at interest, and the income thereof be forever appropriated to the support of a Congregational minister within the said precinct, and that this court would invest the committee of the said precinct with the powers needful for those purposes,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Precinct committee incorporated into a body politic.

[SECT. 1.] That Daniel Carpenter, Thomas Allyn, John Hunt, John Cooper and Ebenezer Walker, the present committee of the said precinct, and those which shall be, annually, hereafter, forever, chosen by the said precinct to the same office, shall be and are hereby declared a body corporate, by the name of the Trustees of the first Parish of Rehoboth, and they are hereby incorporated to this special purpose; [to wit] [*viz.*], to receive the said sum of six hundred pounds, with the addition it hath already gained, and to let the same to interest, on good security, real or personal, as they, or the major part of them, shall judge best, and the interest received to put out to interest again, until[l], by this increase, or by voluntary subscription in the said precinct, or other lawful means, there be raised a capital of twelve hundred pounds lawful money of this province; and all bonds, mortgages, or other lawful securities, made to the said Daniel Carpenter, Thomas Allyn, John Hunt, John Cooper and Ebenezer Walker, or their successors aforesaid, by the corporate name aforesaid, shall be and are hereby declared valid; and they and their successors, or the major part of them, by the said name, may appear and plead, sue and defend, in any court within this province, in all matters touching such securities.

And be it further enacted,

Money raised to be put to interest.

[SECT. 2.] That the said sum of twelve hundred pounds, when raised, shall be by the said trustees put to interest on good securities,

* Signed March 6, according to the record.

and the interest annually arising from the same shall be paid to a minister of a Congregational church, resident, and officiating in the work of the ministry, within the said precinct, forever. And if it shall ever, after the said sum of twelve hundred pounds is raised, happen that there [shall] be no minister of a Congregational church settled within the said precinct for the space of one year, in every such case the interest arising shall be put out to interest on new security, and all such increased capital shall be ordered and managed according to the directions hereinbefore given, respecting the said principal sum of twelve hundred pounds. And the said Daniel Carpenter, Thomas Allyn, John Hunt, John Cooper, Ebenezer Walker, and their successors aforesaid, are, with respect to the said sum of twelve hundred pounds, and all such increased capital, fully incorporated, impowered and directed in manner aforesaid.

And be it further enacted,

Proviso in case of neglect.

[Sect. 3.] That if, at any time, the said precinct shall, at their annual meeting in March, neglect to ch[oo][*u*]se a precinct committee, the committee then last before chosen shall continue vested with all the powers and priviledges aforesaid, until new ones be chosen.

And be it further enacted,

Committee to be accountable, &c.

[Sect. 4.] That the said committee and their successors shall be accountable to the said precinct, and may, by them, for any misdemeanor in their office aforesaid, be removed from their said trust, and new ones appointed in their stead. [*Passed February* 11,* 1762.

CHAPTER 31.

AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS AND BEACHES LYING IN AND ADJOINING ON THE NORTH-EAST PART OF THE TOWN OF YARMOUTH, BETWEEN QUIV[E][*I*] T HARBOUR, ON THE EAST, AND SESUIT HARBOUR, ON THE WEST.

Preamble. 1749-50, chap. 15.

Whereas many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shores adjoining to the north-east of Yarmouth, lying between Quivet harbour, on the east, and Sesuit harbour, on the west, whereby the ground and beach is much broken and damnified, and the sand blown on said adjoining meadows and upland, to the great damage, not only of sundry private persons, but to the whole propriety in general,—

Be it enacted by the Governor, Council and House of Representatives,

Creatures not to be turned out on the beaches, &c.

[Sect. 1.] That from and after the publication of this act, no person or persons shall presume to turn any neat cattle, horse-kind, sheep or swine, to or upon any of the beaches, meadows or shores that l[y][*ie*] on the north-east part of the town of Yarmouth, between Quivet harbour, on the east, and Sesu[e][*i*]t harbour, on the west, at any time between the first day of April, and the last day of October, yearly, during the continuance of this act, on penalty of paying for each offence five shillings a head for neat cattle, horses or mares, of one year old or upward, and one shilling a head for each sheep or swine that shall be turned or found on said beaches, meadows or shores, within the limits aforesaid; which penalty shall be recovered by any person that shall inform of and sue for the same: the one half of said forfeiture to him or them that shall inform and sue for the same, the other half to be to and for the use of the poor of said town.

Penalty.

* Signed March 6, according to the record.

And be it further enacted,

Creatures to be impounded.

[SECT. 2.] That if any neat cattle, horse-kind, sheep or swine shall, at any time hereafter, be found feeding on the said beaches, meadows or shores that l[y][*i*]e between said Quivet harbour and said Sesu[c][*i*]t harbour in said Yarmouth, it shall and may be lawful[l] for any person to impound the same, immediately giving notice thereof to the owners [*thereof*], if known, otherwise to give publick notice thereof by posting the same up in some publick place in said town and the two next adjoining towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the

Fees and costs of impounding.

owner thereof appear to redeem his impounded creatures, he shall pay one shilling and sixpence to the impounder, for each neat beast and horse-kind, and sixpence for each sheep and swine, and the reasonable cost of relieving, besides the poundkeeper's fees as by law appointed for such creatures. And if no owner appear within the space of six days to redeem the said cattle, horse-kind, sheep or swine so impounded, and pay the cost and damage occasioned by impounding the same, then and in every such case the person impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at publick vendue, and pay the cost and charges arising about the same (publick notice of the time and place of such sale, to be given in the said town of Yarmouth, and in the towns of Barnstable and Harwich, forty-eight hours beforehand), and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle or horse-kind, sheep or swine, at any time within twelve months next after, upon his demanding the same; but if no owner appear within the said twelve months, then the said overplus shall be one half to the party impounding such cattle, horse-kind, sheep or swine, and the other half to the use of the poor of the said town of Yarmouth.

Provided,—

Proviso.

[SECT. 3.] That nothing in this act shall be construed to prevent the owner or owners of such beach or meadows, or any improving under them, from turning on their horses they ride, or cattle they improve in their teams, to feed on said beach or meadows while they are cutting or carting their salt hay off said beach or meadows.

Provided, also,—

[SECT. 4.] That the owners of the meadows shall keep up and maintain their fences pursuant to former agreements.

[SECT. 5.] This act to continue and be in force for the space of ten years from the first day of March next, and no longer. [*Passed February* 11; *published February* 15, 1762.

CHAPTER 32.

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE SOCIETY FOR PROPAGATING CHRISTIAN KNOWLEDGE AMONG THE INDIANS OF NORTH AMERICA.

Disallowed by the privy council, May 20, 1763.

Preamble.

THE signal success with which it has pleased Almighty God to crown his majesty's arms, calls upon us to express our grateful acknowledg[*e*]ments to the Author of it, and to demonstrate our gratitude, by endeavouring to spread the knowledge of his religion; a favourable opportunity of doing this among the Indians of America seems now to present itself, as the French of Canada, being subjected to his majesty's dominion, have it less in their power to obstruct so good a work; for [*the*]

promoting of which, divers worthy persons have petitioned this court for an act of incorporation, whereby they may be enabled, with the assistance of the charitably disposed, to proceed in it with vigour, and carry it more effectually into execution; wherefore,—

Be it enacted by the Governo[u]r, Council and House of Representatives,

[Sect. 1.] That Andrew Oliver, Isaac Royall, John Erving, William Brattle, Robert Hooper, James Bowdoin, Thomas Hancock, Thomas Hubbard, Nathan[i][*a*]el Sparhawk[e], Harrison Gray and Thomas Flucker, Esqrs.; the Reverend Edward Holyoke, president of Harvard Colle[*d*]ge; the Reverend Joseph Sewall, Charles Chauncy and Jonathan Mayhew, Doctors of Divinity; John Phillips, Ezekiel Goldthwait, John Ruddock, Francis Borland, Joshua Henshaw, Zachariah Johonnot, Joseph Green, Isaac Winslow, James Pitts, Samuel Grant, Joseph Jackson, James Otis, junr., Royall Tyler, Thomas Cushing, John Scollay, Benjamin Austin, Joseph Sherburn, William Blair Townsend, William Phillips, Thomas Fayerweather, William Story, John Barrett, Samuel Dexter, John Symmes and Benjamin Hallowell, junr., Esqrs.; the Reverend Thomas Foxcroft, Nathan[i][*a*]el Appleton, Ebenezer Pemberton, Hull Abbot, Thomas Prentice, Samuel Mather, Andrew Eliot, Samuel Cooper, Samuel Checkley, junr., Amos Adams and Alexander Cumming, ministers of the gospel; Messieurs Middlecot Cook[e], John Tudor, Jonathan Cushing, William Hickling, William Hyslop, Stephen Hall, John Sim[p]son, Oxenbridge Thacher, Samuel Phillips Savage, Samuel Deming, Benjamin Church, Isaac Walker, Samuel Hill, Nathan[i][*a*]el Holmes, John Dennie, Benjamin Hammatt, Fortesque Vernon, Henderson Inches, William Homes, Edward Langdon, Richard Martyn, Henry Newman, Thomas Marshall, Benjamin Dolbear, Thomas Gray, Henry Bromfield, Jonathan Williams, William Whitwell, John Greenleaf, Timothy Newell, Isaac Smith, William Greenleaf, Onesiphorus Tilestone, William White, Ebenezer Storer, William Gray, Moses Gill, Jonathan Mason, Daniel Waldo, Alexander Hill, John White, Moses Peck, Thomas Handisyde Peck, John Melvill, Samuel Adams, Benjamin Clarke, Samuel Abbot, Peter Boyer, Benjamin Gray, Christopher Clarke, John Scot, Thomas Fletcher and Samuel Minot, together with such others as they shall elect, be and they are hereby incorporated and made a body politic[*k*], for the purpose aforesaid, by the name of the Society for Propagating Christian Knowledge among the Indians of North America; and the society aforesaid shall have perpetual succession, and may have a common seal, which it shall be lawful for them to change, break, alter, and make new at pleasure, and may purchase and hold in succession lands, tenements, and real estate of any kind, the annual income and profits whereof not exceeding the value of two thousand pounds sterling.

Persons' names hereby incorporated.

Purpose of incorporation.

[Sect. 2.] And the said society is hereby enabled to take subscriptions of their own members, or other charitably disposed persons, and may take any personal estate in succession; and all donations to the society, either by subscription, legacy or otherwise (excepting such as may be differently appropriated by the donors), shall make a part of or be put into the capital stock of the society, which shall be put out on interest on good security, or otherwise improved to the best advantage, and the income or profits applied to the use and benefit of such tribes of Indians as they shall think proper, by causing them to be instructed in the principles and duties of the Christian Protestant religion: and the said society is hereby [e][*i*]mpowered to give such instructions, orders and encouragements to their officers, and those they shall employ, as they shall judge necessary; and the persons employed as teachers, in any capacity, shall be men of reputed piety,

loyalty, prudence, gravity, competent knowledge and literature, and of other Christian and necessary qualifications suited to their respective stations.

And be it further enacted,

First meeting.

[SECT. 3.] That the society aforesaid shall meet at some convenient place, in the town of Boston in this province, on the fourth day of March next, and then chuse a president, vice-president, treasurer and secretary, and such other officers as they shall judge proper; and may then, also, elect new members, and may make bye-laws and orders for the regulation of the said society: *provided* such bye-laws be not repugnant to the laws of England, or the laws of this province; and act upon all matters which they apprehend needful to promote the end of their institution; and the officers aforesaid shall continue in their office until the first Thursday of May next following the time of their appointment aforesaid.

And be it further enacted,

Quarterly meeting.

[SECT. 4.] That there shall be a general meeting of the members of the said society, quarterly, at Boston aforesaid, or in any other place within this province, unless some extraordinary occurrence prevent the same, on the first Thursdays of February, May, August and November, yearly, forever, at three of the clock in the afternoon, and oftner if needful, when and where the said society shall think fit; and any nine of the members (the president, vice-president, treasurer or secretary always to be one), being convened at the said times and places, are hereby declared to be a quorum of the said general meeting.

Officers to be chosen.

[SECT. 5.] And the said society, at their general meeting in May, in every year (and in case of any extraordinary occurrence preventing their meeting then, at the next quarterly meeting after), shall, out of their own body by a majority of the members present, elect a president, vice-president, treasurer and secretary, and such other officers as they shall find needful, to continue in office until the May meeting next following their appointment, or until others be chosen to succeed them; and all the officers aforesaid, before they shall be qualified to act, shall be under oath for the faithful performance of their respective trusts; and the said society, at any of their quarterly meetings, and at no other, may elect into their body such persons, being contribut[e][o]rs and protestants, as they shall judge qualified, to assist them in their good design; and may appoint a committee or committees to prosecute the orders of any general meeting, audit the treasurer's accounts, and prepare matters for the society to act upon; and the committee or committees shall exhibit an account of their proceedings at the general meetings of the society, quarterly.

And be it further enacted,

Power to prosecute, and to convey lands, in certain cases.

[SECT. 6.] That the society aforesaid, by the name aforesaid, shall be and is hereby declared to be capable to prosecute, pursue and defend, in all courts and places, and before all proper judges whatsoever, all actions, causes, processes and pleas of what kind or nature soever, in the fullest and amplest manner. And if it shall happen that the said society shall become seized of lands or tenements, by mortgage, as security for payment of any debt, or by levying execution on lands for discharge of debts, due to said society, it shall be lawful for the said society, by deed under their seal, to sell and convey the lands acquired in either of the two mentioned ways: *provided*, that no such sale shall be made or concluded on but at some general quarterly meeting.

And be it further enacted,

Power to make by-laws, and to fill up vacancies.

[SECT. 7.] That the society aforesaid shall have, and there is hereby granted to them, full power, at their quarterly meetings, and at no other meetings, to make such rules, laws and ordinances as aforesaid,

and to alter the same as they shall see most convenient and needful for the better government of the said society and managing the affairs thereof, and for the more effectual promoting the aforesaid design. And the said society is hereby [e][*i*]mpowered, upon the death of their president, vice-president, treasurer, secretary or other officers, or upon their acting unfaithfully, or not attending their respective stations, and their removal upon these or any other just and necessary accounts (the society being hereby [e][*i*]mpowered to make such removal), to chuse others at any other quarterly meeting to succeed: *provided, always*, that no member shall be removed, or officer displaced, unless at a quarterly meeting as aforesaid. Proviso.

And to the end that the members of the said society, and all contributors to the said design, may know the state of the society's stock, and the dispositions of the profits thereof, and of all donations made to the said society,—

Be it further enacted,

[Sect. 8.] That a particular account of such stock and disposition shall be exhibited by the treasurer, at every quarterly meeting, which account the secretary or a committee of the said society, having examined the same, shall certify to be true; and fair entries shall be made, in proper books provided for that purpose, of all donations made to the said society, and of all the estate, both real and personal, belonging to the society, and of the incomes thereof, and also of all transactions, either by themselves or by their officers or committees, for or on account of the society; and the said books shall be brought to the quarterly meetings of the said society, and be there open for the perusal and examination of the members. [*Passed February* 11,* 1762. Accounts to be exhibited.

"We are humbly of opinion that this Act is liable to several Objections for in the first place the operation of the Act, tho' the Society itself would consist only of the Inhabitants of the Massachusetts erected by an Act of that Province, would extend beyond the limits of the Province itself and in the second so extensive a power given to one Colony may hereafter interfere with any general Plan Your Majesty may think it advisable to pursue for the management of Indian Affairs in N° America.

We are authorized in this apprehension by the late experience, We have had of like inconveniences from the conduct of the Committee of Assembly of Pennsylvania the consequence of which proceedings are set forth in the Papers annexed to the Representation of the said Board to Your Majesty dated the 14th of Jan^ry last.

We beg leave to add that the Society is by the Act subject to no control Audit or Examination tho' they are made capable of receiving any Grants of Land and of disbursing Sums for services to a very great extent.

For these Reasons We humbly propose that this Act should receive Your Majesty's disallowance."—*Representation of the Lords of Trade, 18 March*, 1763: "*Mass. Bay, B. T.*" *vol.* 86, *p.* 157.

CHAPTER 33.

AN ACT FOR ALTERING THE PLACE FOR HOLDING THE COURTS OF GENERAL SESSIONS OF THE PEACE AND INFERIO[*U*]R COURT OF COMMON PLEAS HERETOFORE BY LAW HELD AT EDGARTOWN [IN] DUKES COUNTY IN OCTOBER ANNUALLY.

For the better accommodation of the inhabitants of Dukes County,—

Be it enacted by the Governor, Council and House of Representatives,

That the court of general sessions of the peace and inferio[*u*]r court of common pleas for the county of Dukes County, appointed by law to be holden on the last Tuesday of October, annually, shall, instead Courts altered in Dukes County.

* Signed March 6, according to the record.

of being holden at Edgartown, be henceforth holden at Tisbury, in the same county, on the last Tuesday of October, annually; and all officers and other persons concerned are required to conform themselves accordingly. [*Passed February* 18,* 1762.

CHAPTER 34.

AN ACT FOR ALTERING THE TIME FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIO[*U*]R COURT OF COMMON PLEAS IN THE COUNTY OF HAMPSHIRE, FROM THE THIRD TO THE FIRST TUESDAY IN MAY.

Preamble.

WHEREAS one of the times appointed by law for holding the court of general sessions of the peace and inferio[*u*]r court of common pleas, in the county of Hampshire, is on the third Tuesday of May, which time is found inconvenient in some respects, and, it is apprehended, may be altered with advantage to the publick,—

Be it enacted by the Governor, Council and House of Representatives,

Time for holding the courts, altered.

[SECT. 1.] That, for the future, the time for holding the court of general sessions of the peace and inferio[*u*]r court of common pleas within and for the county of Hampshire, shall be the first Tuesday in May, annually, instead of the third Tuesday of the same month.

Be it further enacted,

[SECT. 2.] That all writs and other processes already issued, or that may issue before the last day of March next, returnable to said courts at the day heretofore appointed for holding the same, in the county aforesaid, shall be returned, and all matters depending at said courts shall be proceeded on, at the day appointed by this act for holding the same; and all officers and other persons concerned are required to conform themselves accordingly. [*Passed February* 23,* 1762.

CHAPTER 35.

AN ACT, IN ADDITION TO THE SEVERAL ACTS OR LAWS OF THIS PROVINCE RELATING TO COMMON FIELDS, TO EXTEND ONLY TO THE COUNTY OF HAMPSHIRE.

Preamble.
1692-93, ch. 28.
1698, ch. 12.
1712-13, ch. 9.
1718-19, ch. 3.
1727-28, ch. 13.
1753-54, ch. 29.

WHEREAS the minor part of the owners or proprietors of common fields in the county of Hampshire, in some instances, have been and may be desirous of a partition of such field into two or more distinct fields, from a perswasion that their shares or lots might, if seperated and fenced off from the rest, be improved much more to their advantage, in some manner different from that agreed on by the majority; to the end, therefore, that such of the owners as are or may be so minded may not be unreasonably restrained, by the rest, from having such partition,—

Be it enacted by the Governor, Council and House of Representatives,

In what cases the sessions may cause par-

[SECT. 1.] That when any three or more of the owners or proprietors of lots in any common or general field, in said county, shall

* Signed March 6, according to the record.

make application, in writing, under their hands, to the proprietors of such field, at any meeting legally warned for that purpose, to have a part in such general field, by one common fence, divided and seperated from the rest, to be improved as a distinct and seperate field; in such case, if the proprietors who have the greater part of the interest of those who are present at such meeting shall withold their assent to such division or partition, or to a reasonable establishment of the proportion of the divisional fence between said fields, to be made and maintained by the proprietors of each, respectively, it shall be in the power of the justices of the court of general sessions of the peace, in that county, upon application to them made for that purpose, after due enquiry had, touching the expediency of such partition, to cause the same to be made, and to assign to each field the part and proportion of the divisional fence that shall be erected and maintained by the proprietors of such fields respectively; such partition and assignment to be made by a committee of five discreet and disinterested persons, under oath, or the major part of them, to be appointed by said court. titions to be made.

Provided,—

[Sect. 2.] That no order for partition be made, or committee appointed, until the rest of the proprietors have been duly notified of such application, and opportunity given them to make their objections thereunto; which notice shall be given by serving the clerk of such proprietors with a copy of such written application thirty days, at least, before such order or appointment be made: and every committee that shall be appointed and employed, as aforesaid, shall make return of their doings, in writing, under their hands, unto said court, as soon after as may be, for acceptance and confirmation; and the proprietors whose interest shall be so set off, as well as the remaining proprietors, shall have and enjoy all the powers and priviledges which the proprietors of general fields are, by law, vested withal. Proviso.

[Sect. 3.] This act to continue in force until the first day of July, *Anno Domini* one thousand seven hundred and sixty-five, and no longer. [*Passed February* 23,* 1762.

CHAPTER 36.

AN ACT FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE AND THE INFERIO[*U*]R COURT OF COMMON PLEAS, AT BIDDEFORD, IN THE COUNTY OF YORK.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the court of general sessions of the peace, which formerly, by law, was held in Falmouth, in the county of York, on the first Tuesday of October, annually, henceforward shall be held, yearly, and every year, at Biddeford, in the county of York, on the first Tuesday of October, by the justices of the peace for the same county, or so many of them as are or shall be limit[*t*]ed in the commission of the peace; who are hereby impowered to hear and determine all matters relating to the conservation of the peace, and punishment of offenders, and whatsoever is by them cognizable according to law, and to give judgment and award execution thereon. Courts altered in the county of York.

And be it further enacted,

[Sect. 2.] That the inferio[*u*]r court of common pleas, which, by

*Signed March 6, according to the record.

law, was held at Falmouth in the county of York, on the first Tuesday of October, shall be held and kept in Biddeford in the county of York, on the first Tuesday of October, yearly and every year, by four substantial persons that are or may be appointed and commissionated as justices of the same court, any three of them to be a *quorum* for the holding of the said court; who shall have cognizance of all civil actions arising or happening within such county, triable at the common law, of what nature, kind or quality soever, and are hereby impowered to give judgment therein and award execution thereupon. [*Passed February* 23,* 1762.

CHAPTER 37.

AN ACT IN ADDITION TO AN ACT FOR ALTERING THE TIME FOR HOLDING THE COURTS OF GENERAL SESSIONS OF THE PEACE AND INFERIO[*U*]R COURT OF COMMON PLEAS, WITHIN THE COUNTY OF BARNSTABLE.

Preamble. 1753–54, chap. 33.

WHEREAS the time by law appointed for holding the courts of general sessions of the peace and inferio[*u*]r court of common pleas, at Barnstable, for the county of Barnstable, on the second Tuesday in May, yearly, is found to be inconvenient, by reason of the altering of the superio[*u*]r court of judicature, court of assize and general goal delivery, within the counties of Barnstable and Dukes County,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Time for holding the courts, altered.

That the court of general sessions of the peace, and inferio[*u*]r court of common pleas, for and within the county of Barnstable, appointed by law to be on the second Tuesday in May, annually, be henceforth held and kept on the last Tuesday in June, yearly. [*Passed February* 23,* 1762.

CHAPTER 38.

AN ACT FOR ERECTING THE SOCIETY AND PARISH OF NATICK INTO A SEPARATE DISTRICT BY THE NAME OF NATICK.

Preamble.

WHEREAS the society and parish of Natick, so called, within the county of Middlesex, labour under many and great difficulties by reason of their not [being †] erected into a distinct and separate district; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Natick a district.

[SECT. 1.] That the society and parish of Natick be and hereby is erected into a district by the name of Natick, according to the boundaries of the said parish; and that the inhabitants of the said society and parish be and hereby are invested with all the priviledges, powers and immunities that districts are invested with, agreeable to an act made and passed in the first year of his majesty's reign, intituled "An Act for the better regulating districts within this province:" *provided* that the present meeting-house shall not be [*remo* †]ved, nor any new meeting-house erected within the same, without the special licen[s][*c*]e of this court.

1761–62, chap. 12.

* Signed March 6, according to the record. † Parchment mutilated.

[*An**]*d be it further enacted by the Governor, Council and House of Representatives*,

[Sect. 2.] That the votes of the said parish of Natick, on the eighteenth day [*of Ja**]nuary last, be and hereby are ratified and confirmed. [*Passed February* 23,† 1762. Votes confirmed.

CHAPTER 39.

AN ACT FOR GRANTING SEVERAL BOUNTIES UPON WHEAT AND FLOUR.

Whereas the raising of wheat within this province, and manufacturing the same into flour, will be of great utility,— Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That there shall be paid out of the public[*k*] treasury of the province, for every bushel of good, sound, well-saved and winnowed wheat, of the growth and produce of this province, in the year one thousand seven hundred and sixty-three, and so, every year during the continuance of this act, eightpence per bushel, except what is intended to be consumed by the person or persons who shall raise or produce it, and their respective families; the quantity and quality of wheat to be certified to the treasurer of the province, under the hand of such skil[l]ful surveyor or surveyors as each town, district or plantation shall ch[oo][*u*]se, at their annual meeting in March, yearly, for that purpose, who shall be paid by the owner of such wheat, eightpence for every twenty bushels he shall survey, and so in proportion for a lesser quantity; which surveyor shall be sworn, as other town officers are, to the faithful discharge of his office, in the words following; viz[1].,— Bounty upon wheat certified by the surveyor.

You, A. B., being chosen a surveyor of wheat and flour, within the town of C., for one year and until another be chosen and sworn in your stead, do swear that you will well and faithfully execute your said office, after your best skill and cunning, with all fidelity, and without any partiality, favour or affection; and that you will not pass your certificate for any wheat or flour but such as, in your judgment, you shall judge to be good and merchantable, as the law directs. So help you God. Form of the oath.

And be it further enacted,

[Sect. 2.] That no wheat shall be accounted merchantable within the intent of this act, nor intitled to any bounty, but such as shall be bright, well cleansed, and seperated from the straw and chaff, and fit for use, and that shall weigh, at least, fifty-six pounds per bushel; and no person shall be intit[*u*]led to any premium for wheat, until he hath made oath, before such surveyor, who is hereby impowered to administer the same, in the form following; viz[1].,— Quality of the wheat, ascertained.

You, A. B., of , swear that the bushels of wheat, by you now offered for a survey and premium, is, *bonâ fide*, the produce and growth of this province, and of lands under your improvement, and raised since the first day of September, *Anno Domini* one thousand seven hundred and sixty-two; and is *bonâ fide* designed for sale, and is over and above the quantity of wheat (whether of your own growth and produce, or otherwise) which you intend or expect to use in your family; and that neither you, nor any other person, have received the premium for the same, or any part thereof. So help you God. Form of the oath.

— which oath shall be reduced to writing before it is administred;

* Parchment mutilated. † Signed March 6, according to the record.

and the person taking the same shall subscribe his name thereto: after which the surveyor shall endorse or subscribe his certificate in the form following; viz[t].,—

Form of certificate.

ss., the day of , A.D. .
Surveyed the quantity of wheat within (or above) mentioned, and found it of the weight of fifty-six pounds per bushel, and merchantable, within the meaning of the law of this province, intituled "An Act for granting several bounties upon wheat and flour."

—and the person receiving the premium shall give the province treasurer a receipt therefor.

And be it further enacted,

Premium on flour.

[SECT. 3.] That for every gross hundred of fine, merchantable flour, manufactured in this province after the last day of August, *Anno Domini* one thousand seven hundred and sixty-three, and made of wheat of the growth and produce of this province (other than for the private consumption of the manufacturer and his family), there shall be paid, out of the public[k] treasury of the province, the sum of eightpence per hundred; the quantity and quality of the flour to be certified to the province treasurer, under the hand of the surveyor, who shall be paid, for every hundred of flour by him surveyed, one penny per hundred, by the owner of the flour: and no person shall be intitled to any premium for flour, until he hath made oath, before such surveyor, who is hereby empowered to administer the same, in the words following; viz[t].,—

Form of the oath.

You, A. B., do swear that the hundred of flour, by you now offered for a survey, is, *bonâ fide*, designed and intended for sale, and not to secure a bounty upon your family consumption; and that the same was manufactured within this province, and made out of wheat raised within the same, since the first day of September, one thousand seven hundred and sixty-two; and that neither you, nor any other person, have heretofore offered the same for a survey, or received a premium for the same, or any part thereof. So help you God.

—which oath shall also be reduced to writing before it is administred; and the person taking the same shall subscribe his name thereto: after which, the surveyor shall endorse or subscribe his certificate in the form following; viz[t].,—

Form of certificate.

ss., the day of , A.D. .
Surveyed the quantity of flour within mentioned, and find it merchantable, within the meaning of the law of this province, intituled "An Act for granting several bounties upon wheat and flour." J. D., Surveyor.

—and the person receiving the premium shall produce such oath and certificate to the province treasurer, and give his receipt upon the same.

Limitation.

[SECT. 4.] This act to be in force for the term of five years from the first day of July, *Anno Domini* one thousand seven hundred and sixty-three, and no longer. [*Passed March* 6; *published March* 8,* 1762.

CHAPTER 40.

AN ACT TO SUPPLY THE TREASURY WITH TWENTY THOUSAND POUNDS.

Preamble.

WHEREAS the great and general court, at their present session, have voted that there be raised, within this government, two thousand men—

* Published February 15, according to the printed acts.

to be put under the command of General Amherst, in addition to the men already under his command belonging to this government — to supply such part of the regular forces in America as shall be drawn out of the several forts and garrisons, to be employed in some important enterprize; *and whereas* the treasurer has represented to this court that, when the taxes for the year one thousand seven hundred and sixty-one are paid into the treasury, and the government securities that will become due on or before the twentieth day of June, one thousand seven hundred and sixty-two, are redeemed, there will be a considerable surplusage in the treasury; therefore,—

Be it enacted by the Governo[u]*r, Council and House of Representatives,*

That the treasurer be and he hereby is directed to apply twenty thousand pounds of the aforesaid surplusage, for the payment of the bounty, &c., the allowance to the officers for inlisting of men, and to the colonels of the militia, and to such other persons as may be employed, by the governo[u]r, in paying the bounty, and for billet[*t*]ing the troops, and to enable the commissary-general to make necessary supplies, agreable to the orders of court; to be drawn out of the treasury by warrant from the governo[u]r, with advice of council, upon the appropriation for the campaign in the year one thousand seven hundred and sixty-two; and the secretary to whom it belongs to keep the muster-rolls and acco[mp][*un*]ts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and acco[mp][*un*]ts, after payment thereof. [*Passed March* 6, 1762.* Moneys, how appropriated.

CHAPTER 41.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, OR NEAR EXPIRING.

Whereas the several acts hereinafter mentioned (made in the reign of his late majesty King George the Second, and in the several years of the same reign, as in this act is set forth), which are now expired, or near expiring, have been found useful and beneficial; viz[t]., an act made in the fourteenth year, intit[*u*]led "An Act to prevent damage being done to the harbour of Cape Cod by cattle and horse-kind feeding on Provincetown lands"; an act made in the fifteenth year, intit[*u*]led "An Act in addition to an act intit[*u*]led 'An Act for explanation of, and supplement to, an act refer[r]ing to the poor'"; four acts made in the sixteenth year; viz[t]., one, intit[*u*]led "An Act in addition to and for rendering more effectual an 'Act for regulating the assize of cask, and preventing deceit in packing of fish, beef and pork, for sale, made in the fourth year of the reign of King William and Queen Mary; and also for the preventing fraud and injustice in the measuring of grain'"; another act, intit[*u*]led "An Act to prevent damage being done unto Billingsgate Bay in the town of Eastham, by cattle and horse-kind and sheep feeding on the beach and islands adjoining thereto"; an act intit[*u*]led "An Act to prevent multiplicity of lawsuits"; also an act intit[*u*]led "An Act in further addition to and explanation of an 'Act for regulating townships, choice of town officers, &c.'"; also three acts made in the seventeenth year, one, intit[*u*]led "An Act for preventing mischief by unruly dogs on the island of Nantucket"; another act, intit[*u*]led "An Act for preventing

Acts continued.

Provincetown. 1740–41, ch. 15.

Poor. 1741–42, ch. 4.

Assize of casks and measure of grain. 1742–43, ch. 4.

Billingsgate Bay. 1742–43, ch. 11.

Lawsuits. 1742–43, ch. 25.

Regulating townships. 1742–43, ch. 28.

Unruly dogs. 1743–44, ch. 6.

* According to the printed acts, this act was published February 15, 1762.

White-pine trees. 1743-44, ch. 14.
Bridges. 1743-44, ch. 21.
Harbor of Cape Cod. 1744-45, ch. 27.
Nosset Meadow. 1746-47, ch. 27.
Suncook. 1747-48, ch. 11.
Support of ministers. 1750-51, ch. 21.
Regulating fences. 1750-51, ch. 22.
Salem meeting-house. 1753-54, ch. 14.
Judicial proceedings. 1756-57, ch. 28.
Regulating Indians. 1758-59, ch. 6.
Regulation of fences. 1758-59, ch. 33.
Cord wood. 1758-59, ch. 16.
Limitation of actions. 1759-60, ch. 15.
Martha's Vineyard. 1760-61, ch. 35.

the destruction of white-pine trees within this province, and for encouraging the preservation of them for the use of the royal navy"; and another act, intit[u]led "An Act to regulate the expence of private bridges"; an act made in the eighteenth year, intit[u]led "An Act in addition to the 'Act for preventing damage to the harbour of Cape Cod, by cattle and horse-kind feeding on Provincetown lands'"; another act made in the twentieth year, intit[u]led "An Act to prevent damage being done unto Nosset Meadow, by cattle and horse-kind feeding on the beach adjoining thereto"; an act made in the twenty-first year, intit[u]led "An Act to enable the proprietors of Suncook to raise money for the support of their present minister"; two acts made in the twenty-fourth year, one, intit[u]led "An Act * for the support of ministers in new plantations"; another act, intit[u]led "An Act in addition to an 'Act for regulating fences, cattle, &c.'"; an act made in the twenty-seventh year, intit[u]led "An Act to [e][i]mpower the proprietors of the meeting-house in the first parish in Salem, where the Reverend Mr. Dudley Leavitt now officiates, to raise money to defrey ministerial and other necessary charges"; an act made in the thirtieth year, intit[u]led "An Act for further regulating the course of judicial proceedings"; an act made in the thirty-first year, intit[u]led "An Act in addition to the several acts for the better regulating the Indians"; two acts made in the thirty-second year; viz[t]., "An Act in addition to an act intit[u]led an 'Act for regulating of fences, cattle, &c.'"; also an "Act in addition to an act intit[u]led 'An Act to prevent fraud in cord wood exposed to sale'"; an act made in the thirty-third year, intit[u]led "An Act in further addition to the 'Act for limitation of actions, and for avoiding suits in law where the matter is of long standing'"; also an act made in the first year of his present majesty's reign; viz[t]., an act intit[u]led "An Act for preventing the stealing and clandestinely conveying sheep away from the island of Martha's Vineyard, in Duke's County,"—

Be it therefore enacted by the Governo[u]*r, Council and House of Representatives*,

That such of the before-mentioned acts as are expired, with all and every article, clause, matter and thing therein respectively contained, be and hereby are revived, and shall be in force until the first day of July, which will be in the year of our Lord one thousand seven hundred and sixty-seven; and such of said acts as are not [as] yet expired, are hereby continued, and shall be in force until the said first day of July, *Anno Domini* one thousand seven hundred and sixty-seven, and no longer. [*Passed March* 6, 1762.†

CHAPTER 42.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED FALLTOWN, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF BERNARDSTON.

Preamble.

WHEREAS it hath been represented to this court that the erecting the plantation called Falltown, into a town, will greatly contribute to the growth thereof, and remedy many inconveniencies to which the inhabitants and proprietors may be otherwise subject,—

* "Providing" omitted in the title.
† According to the printed acts, this act was published February 15, 1762.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the plantation aforesaid, bounded as follows; viz[t]., north, on the province line; south, partly on Deerfield, and partly on Greenfield; east, upon Northfield; and west, on Colrain; be and hereby is erected into a town by the name of Bernardston; and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do enjoy. Bounds of the town.

And be it further enacted,

[Sect. 2.] That Elijah Williams, Esquire, be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town, requiring him to warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to choose all such officers as are or shall be required by law to manage the affairs of said town. [*Passed March* 6, 1762. Town-meeting to be warned.

CHAPTER 43.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED NUMBER THREE, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF SANDISFIELD.

Whereas it hath been represented to this court that the erecting the plantation called Number Three, into a town, will greatly contribute to the growth thereof, and remedy many inconveniencies to which the inhabitants and proprietors may be otherwise subject,— Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the plantation aforesaid, bounded as follows; viz[t]., west, on New Marlborough; south and east, on Equivalent Land, so called; north, partly on Number One, and partly on said Equivalent Land; be and hereby is erected into a town by the name of Sandisfield; and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do enjoy. Bounds of Sandisfield.

And be it further enacted,

[Sect. 2.] That Joseph Dwight, Esquire, be and hereby is empowered to issue his warrant, directed to some principal inhabitant in said town, requiring him to warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to choose all such officers as are or shall be required by law to man[n]age the affairs of said town. [*Passed March* 6, 1762. Town-meeting to be warned.

CHAPTER 44.

AN ACT TO SUBJECT THE UNIMPROVED LANDS WITHIN THIS PROVINCE TO BE SOLD FOR PAYMENT OF TAXES ASSESSED ON THEM BY ORDER OF THE GREAT AND GENERAL COURT, AND VOTES AND AGREEMENTS OF THE PROPRIETORS THEREOF, AND TO ENABLE PROPRIETORS OF NEW PLANTATIONS TO LEVY PROVINCE AND COUNTY TAXES LAID UPON THEM.

Preamble. 1745–46, chap. 9.

WHEREAS it frequently happens that the proprietors of unimproved lands within the several towns, precincts, districts, new plantations and proprieties within this province, neglect or delay to pay their proportions of the sums from time to time assessed on such lands by order of the great and general court, and according to their own agreements, towards defreying the public[k] charges arising within such towns, precincts, districts, new plantations and proprieties,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Lands to be sold in case of non-payment of taxes.

[SECT. 1.] That if the assessors of any of the towns, precincts, districts, new plantations or proprieties within this province, have, or at any time to come shall, pursuant to the direction or orders of the general court, levy or assess a tax upon the lands of the proprietors situate in any of the towns, precincts, districts or new plantations within this province, for defreying the publick charges arising in the said towns, precincts, districts, new plantations or proprieties; or if the assessors chosen by the proprietors of the common and undivided land in any of the towns, precincts, districts, new plantations or proprieties within this province, pursuant to the votes and agreements of such propriety, have or shall levy or assess a tax, upon such proprietors, by them thought necessary to carry on and prosecute any actions or suits that may be brought by or against them, or for the carrying on and managing of any other public[k] affair relating to such proprietors, or performance of the conditions of their grant, respectively; and such proprietors shall neglect or delay to pay to the collector or collectors the sums from time to time levied or assessed upon their lands, as aforesaid, for sixty days after such assessment is made, and published by posting up the same in the town, precinct, district or new plantation where such land lies, and in the shire town of the county, — that then and in such case it shall and may be lawful for such assessors, respectively, to post up, in some public[k] place or places in the town, precinct, district or new plantation where the lands lie, notifications of the intended sale of so much, and no more, of such delinquent proprietors' lands or common rights, as they shall judge necessary to pay and satisfy such rates and taxes and other necessary and intervening charges, three months before the same be sold; and also the assessors shall be obliged, for the notification of the non-resident proprietors, to advertise, in all the several Boston newspapers, three several weeks, the intended sale, at least three months before the land be sold; and if any delinquent proprietors do not, by that time, pay such rates, or assessments, and charges, then and in that case it shall and may be lawful for the assessors, at a public[k] vendue, to sell and execute absolute deeds, in the law, for the conveyance of such lands of the proprietors to the person or persons who shall give most for the same; which deed shall be good and valid to all intents and purposes, in the law, for conveying such estates to the grantees, their heirs and assign[e]s forever: and if the said lands be sold for more, than * the

Notification of sale, to be posted up,

—and advertised in the newspapers.

* *Sic:* then?

overplus, after all charges arising about the same are subducted, to be paid to such delinquent proprietors, or their order; the money which the said lands shall be sold for to be lodged in the hands of the treasurers of the respective towns, precincts, districts or proprieties; who are hereby directed to attend the orders of the assessors of such towns, precincts, districts or proprieties, for payment of the same, pursuant to the true intent and meaning of this act, reserving to such non-resident proprietors as are not inhabitants of this province, their heirs or assign[e]s, liberty for redemption of their lands so sold, they paying to the grantees, or their heirs, respectively, within one year afterwards, the sums for which the said lands were sold, with double damages until the same be redeemed.

Overplus money to be returned.

Right of redemption, in case.

And be it further enacted,

[Sect. 2.] That the assessors of the several new plantations in the counties of Worcester, Hampshire and Berkshire, which are not incorporated into towns or districts, upon which any part of the province tax is laid, be and hereby are authori[s][z]ed, empowered and directed to levy all province and county taxes set upon such plantations, upon the whole propriety, except the public[k] rights; viz[t]., each acre an equal part: and the collector or collectors are required to collect the same, and in case any of the proprietors of such new plantations, in said counties, neglect, for the space of sixty days, to pay such assessment, then the assessors shall sell such delinquent proprietor's lands, proceeding in manner as is above directed in this act for the sale of proprietors' lands.

New plantations in Worcester, Hampshire and Berkshire to be assessed.

[Sect. 3.] This act to continue and be in force for the space of three years from the first day of April next. [*Passed March* 6,* 1762.

CHAPTER 45.

AN ACT FOR INCORPORATING THE PLANTATION CALLED NARRAGANSET[T] NUMBER SIX, IN THE COUNTY OF WORCESTER, INTO A TOWN BY THE NAME OF TEMPLETOWN.

Whereas the plantation of Narragansett Number Six, lying in the county of Worcester, is competently filled with inhabitants, who labour under great difficulties and inconveniencies by means of their not being a town; therefore,—

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said plantation, commonly called and known by the name of Narraganset[t] Number Six, bounding, westerly, on Poquioge; southerly, on Rutland District and Petersham; easterly, on Westminster; northerly, on Ipswich-Canada and Royalshire, be and hereby is erected into a town by the name of Templetown; and that the said town be and hereby is invested with all the powers, priviledges and immunities that any of the towns of this province do or may by law enjoy.

Bounds of the town.

Provided,—

[Sect. 2.] That nothing in this act shall be so understood or construed as, in any measure, to superse[e]de or make void any grants or assessments already made or agreed on by the proprietors of said place in time past, but that the same shall remain and be as effectual as if this act had not been made.

Proviso.

* According to the printed acts, this was published February 15, 1762.

And be it further enacted,

Town meeting to be warned.

[SECT. 3.] That Joshua Willard, Esquire, be and hereby is impowered to issue his warrants to some principal inhabitant of the said plantation, requiring him, in his majesty's name, to warn and notify the said inhabitants, qualified to vote in town affairs, that they meet together at such time and place in said plantation as, by said warrant, shall be appointed, to chuse such officers as may be necessary to manage the affairs of said town; and the inhabitants, being so met, shall be and hereby are impowered to chuse said officers accordingly. [*Passed March* 6, 1762.

CHAPTER 46.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED PAYQUAGE, IN THE COUNTY OF WORCESTER, INTO A TOWN BY THE NAME OF ATHOL.

Preamble.

WHEREAS it hath been represented to this court that the inhabitants of the plantation of Payquage, in the county of Worcester, labour under great difficulties, by reason of their not being incorporated into a town, and are desirous of being so incorporated,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of the town of Athol.

[SECT. 1.] That the said plantation be and hereby is erected into a town by the name of Athol, bounded as follows; viz[t]., northerly, on the plantations of Royalshire and Mountgrace; westerly, on Ervingshire and New Salem; southerly, on Petersham and the plantation called Number Six; and easterly, on said Number Six; and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities that the inhabitants of the towns within this province are, by law, vested with.

And be it further enacted,

Town meeting to be warned.

[SECT. 2.] That John Murray, Esquire, be and hereby is directed and [i][*e*]mpowered to issue his warrant, directed to some of the principal inhabitants within said town, requiring them to warn the inhabitants of said town, qualified to vote in town affairs, to assemble at some suitable time and place in said town, to chuse such officers as are necessary to manage the affairs of said town.

Provided, nevertheless,—

[SECT. 3.] The inhabitants of said town shall pay their proportionable part of such county and province charges as are already assessed in like manner as thô this act had not been made. [*Passed March* 6, 1762.

CHAPTER 47.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED NUMBER ONE, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF TYRINGHAM.

Preamble.

WHEREAS it hath been represented to this court that the erecting the plantation called Number One, into a town, will greatly contribute to the growth thereof, and remedy many inconveniencies to which the inhabitants and proprietors may be otherwise subject,—

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the plantation aforesaid, bounded as follows; viz[t]., west, on Sheffield; south, partly on New Marlborough, and partly on Number Three; east, partly on Number Four, and partly on land called the Equivalent Lands; northerly, on the unappropriated lands of the province, be and hereby is erected into a town by the name of Tyringham; and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do enjoy. Bounds of the town.

And be it further enacted,

[Sect. 2.] That Joseph Dwight, Esq[r][*uire*], be and hereby is [e][*i*]mpowered to issue his warrant, directed to some principal inhabitant in said town, to notify and warn the inhabitants in said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to ch[oo][*u*]se all such officers as are or shall be required, by law, to manage the affairs of said town. [*Passed March* 6, 1762. Town meeting to be warned.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE FOURTEENTH DAY OF APRIL, A.D. 1762.

CHAPTER 48.

AN ACT FOR IMPOWERING JASPER MAUDUIT, ESQ., AND, IN CASE HE IS PREVENTED BY SICKNESS, DEATH, OR ANY OTHER WAY, RICHARD JACKSON, JUN., ESQ., TO RECEIVE ANY SUM OR SUMS OF MONEY THAT ARE OR MAY BE DUE OR PAYABLE IN GREAT BRITAIN, TO THE PROVINCE OF THE MASSACHUSETTS BAY.

Preamble.

WHEREAS the parliament of Great Britain have granted two hundred thousand pounds sterling, to enable his majesty to make a proper compensation to the respective colonies in North America, for the expences incurred by them in levying, cloathing, and pay, of the troops raised by them, respectively, in the year one thousand seven hundred and sixty; *and whereas* it is humbly hoped that the parliament will make a grant to the said colonies, for the expences incurred, as aforesaid, in the year one thousand seven hundred and sixty-one, and that will be incurred the present year, one thousand seven hundred and sixty-two,—

Be it enacted by the Governor, Council and House of Representatives,

Jasper Mauduit, Esq., empowered, and, in case, Richard Jackson, jun., to receive money.

[SECT. 1.] That Jasper Mauduit, Esq., agent for this province in Great Britain, and, in case he is prevented by sickness, death, or any other way, Richard Jackson, jun., Esq., be and is hereby authorized and impowered to receive the whole and every part of the sum or sums that are or shall be assigned by his majesty to the province of the Massachusetts Bay, out of any grant made or to be made as aforesaid; and, upon receipt thereof, to give a full discharge therefor to the right honourable the lords commissioners of the treasury, or to any person or persons, whatsoever, who may have the same, or any part thereof, in his or their hands or possession; and that the said Jasper Mauduit, or Richard Jackson, pursue such instructions as they shall respectively receive from the general court, with regard to the transportation of the same to this province.

And be it further enacted,

Province treasurer to receive it upon its arrival.

[SECT. 2.] That the treasurer of the province, for the time being, be and he is hereby fully authorized and impowered to demand and receive the whole and every part of such sum or sums of money, from the commander of any vessel on board of which the same shall be ship'd, on the arrival thereof within this government.

And whereas there may be monies belonging to the province in the hands of William Bollan, Esq., or other persons in Great Britain,—

Be it enacted,

Jasper Mauduit, Esq., and, in case, Richard Jackson, jun., Esq., to receive

[SECT. 3.] That the said Jasper Mauduit, Esq., and, in case he is prevented by sickness, death, or any other way, the said Richard Jackson, jun., Esq., be and hereby is authorized and impowered to demand

of and receive from the said William Bollan, Esq., or any other person, all monies in his or their hands, belonging to the province; and also to receive of the said William Bollan, Esq., all papers in his hands, relative to the affairs of the province. [*Passed April* 24, 1762. papers, &c., of Mr. Bollan.

CHAPTER 49.

AN ACT TO EXPLAIN, AMEND, AND CARRY INTO EXECUTION, AN ACT MADE IN THE FIRST YEAR OF THE REIGN OF HIS PRESENT MAJESTY, INTITULED "AN ACT FOR RAISING A SUM OF MONEY, BY LOTTERY, FOR REPAIRING FANUEIL HALL IN BOSTON."

WHEREAS, in and by an act made in the first year of the reign of his present majesty, intituled "An Act for raising a sum of money, by lottery, for repairing Fanueil Hall in Boston," it is enacted "that Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis, or any two of them, be allowed and impowered to set up and carry on a lottery or lotteries, amounting to such a sum as, by drawing ten per cent out of each prize, or out of the whole, might raise a sum of two thousand pounds, and no more, and that the said sum should be applied by them, or the major part of them, to the rebuilding the said Fanueil Hall, and the market under the same;" *and whereas* it is apprehended that the said three persons, so appointed, are not a sufficient number to execute the same, so as to make a provision for the common accidents of death and sickness; and it appears that, by reason of the great advance of the prices of materials and workmanship occasioned by the late dreadful fire, the said sum will not be sufficient for the purposes before mentioned; by means whereof the sums of money which the said Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis have already expended or engaged for, on the credit of the said act, and such further sums as they may hereafter expend for the said purposes, will probably be lost to the publick by the incompletion of the said hall and market.— Preamble. 1760-61, chap. 26.

Be it enacted by the Governor, Council and House of Representatives,

That Thomas Cushing, Samuel Hewes, John Scollay and Benjamin Austin, Esqrs., be added to the said Samuel Sewall, Samuel Phillips Savage, and Ezekiel Lewis; and that they, the said Thomas Cushing, Samuel Hewes, John Scollay and Benjamin Austin, Esqrs., together with the said Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis, be and they are hereby allowed and impowered to carry into execution the said act, in the same manner, and under the same regulations and restrictions, as the said Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis were, by the said act, allowed and impowered; and further, that they, the said Samuel Sewall, Samuel Phillips Savage, Ezekiel Lewis, Thomas Cushing, Samuel Hewes, John Scollay and Benjamin Austin, Esqrs., or any three of them, be and they are hereby allowed and impowered, —by a lottery or lotteries, in the same manner, and under the same regulations and restrictions, as in the said act is directed, —instead of the said sum of two thousand pounds, as mentioned in the said act, to raise the sum of three thousand pounds, over and above the necessary charges of the said lottery or lotteries; which sum of three thousand pounds shall be applied to the purposes mentioned in the said act, according to the true intent and meaning thereof, and to no other purposes whatsoever. [*Passed and published April* 24, 1762. Managers appointed for Faneuil-hall Market.

CHAPTER 50.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SEVENTEEN THOUSAND TWO HUNDRED AND FIFTY-ONE POUNDS, BY BORROWING THE SAME.

Preamble.

WHEREAS the great and general court, at their present session, have voted that there be raised, within this government, six hundred and twenty men,—in addition to the two thousand men voted to be raised the last session, and the six hundred men already in the pay of the province at Nova Scotia and Crown Point, — to be put under the command of his excellency General Amherst, to supply such part of the regular forces in America, as shall be drawn out of the several forts and garrisons to be employed in some important expedition; and have also voted a bounty of three pounds ten shillings to each of the aforesaid six hundred men at Nova Scotia and Crown Point, that shall inlist anew in the service until the last day of October next; and have also voted a bounty of seven pounds to each able-bodied, effective man, not exceeding the number of eight hundred and ninety-three men, that shall voluntarily inlist in the regular service, in order to compleat the regular regiments in America; *and whereas* the provision made by this court, the last session, for the payment of the troops raised by this province in the year one thousand seven hundred and sixty-one, is insufficient for that purpose,—

Be it enacted by the Governor, Council and House of Representatives,

Treasurer empowered to borrow £17,251.

[SECT. 1.] That the treasurer be and he hereby is directed and impowered to borrow, from such person or persons as shall appear to lend the same, a sum not exceeding seventeen thousand two hundred and fifty-one pounds, in mill'd dollars at six shillings each, or in coined silver and gold at the rate mentioned in an act, of this province, made and passed in the twenty-third year of his late majesty George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, and English halfpence and farthings, may pass within this government"; and for the sum so borrowed the treasurer shall give his receipts or obligations in the form following; viz.,—

1749-50, chap. 19.

Form of treasurer's receipt:

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay to the said or to his order, on the twentieth day of June, A.D. one thousand seven hundred and sixty-five, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coin'd silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within this government," and according to the rates therein mentioned, with interest, annually, at six per cent.

Witness my hand.

A. B.,)
C. D., } Committee. H. G., Treasurer.
E. F.,)

—to be stamped

— which form shall be printed upon the most suitable paper that can be provided by the treasurer, and a suitable border round the same, — with the words "Province of the Massachusetts Bay," the word "Committee." and the words "Witness my hand," — shall be struck off from a copper-plate, which has been procured by order of this court, and is now in the hands of the treasurer; and each blank, before it be filled up, shall

be stamped, in some convenient part of it, with a stamp of the new form, which has likewise been procured by the treasurer for that purpose, and is now in his hands: and no receipt shall be given for less than six pounds.

And be it further enacted,

Committee to sign with the treasurer.

[SECT. 2.] That the committee appointed by the general court shall sign all the blanks, at the left hand, as in the form aforesaid is prescribed, before the treasurer fills them up.

And be it further enacted,

Money borrowed, how to be applied.

[SECT. 3.] That the aforesaid sum of seventeen thousand two hundred and fifty-one pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, the sum of five thousand pounds, part of the aforesaid sum of seventeen thousand two hundred and fifty-one pounds, shall be applied for compleating the payment of the expences of the campaign in the year one thousand seven hundred and sixty-one; and the further sum of six thousand two hundred and fifty-one pounds, part of the aforesaid sum of seventeen thousand two hundred and fifty-one pounds, shall be applied for paying a bounty to soldiers employed in the regular service in America; and the further sum of six thousand pounds, being the remainder of the said sum of seventeen thousand two hundred and fifty-one pounds, shall be applied to pay the charges of the campaign in the year one thousand seven hundred and sixty-two: to be drawn out of the treasury by warrant from the governor, with advice and consent of the council.

And in order to draw said money into the treasury again, and enable the treasurer to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act,—

Be it enacted,

Tax of £20,300, granted in 1764.

[SECT. 4.] That there be and hereby is granted unto his most excellent majesty a tax of twenty thousand three hundred pounds, to be levied on polls, and estates both real and personal within this province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly, at their sessions in May, one thousand seven hundred and sixty-four, and to be paid into the public treasury on or before the last day of March next after.

And be it further enacted,

Rule for apportioning the tax, in case no tax act shall be agreed on.

[SECT. 5.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-four, and some time before the twentieth day of June in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[SECT. 6.] And the province treasurer is hereby fully impowered and directed, some time in the month of July, in the same year, one thousand seven hundred and sixty-four, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act.

And be it further enacted,

[SECT. 7.] That the treasurer pay the sum of seventeen thousand two hundred and fifty-one pounds, out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accounts of charge shall lay before the house of representatives, when they direct, such muster-rolls and accounts, after payment thereof.

Provided, always,—

Proviso.

[SECT. 8.] That the remainder, if any there be, of the sum which shall be brought into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed and published April* 24, 1762.

CHAPTER 51.

AN ACT FOR ALTERING THE TIMES OF HOLDING THE GENERAL SESSIONS OF THE PEACE AND THE INFERIO[*U*]R COURT[S] OF COMMON PLEAS FOR THE COUNTIES OF CUMBERLAND AND LINCOLN.

Be it enacted by the Governor, Council and House of Representatives,

Times for holding Cumberland and Lincoln courts, altered.

[SECT. 1.] That in this present year, and every year for the future, the general sessions of the peace and court of common pleas for the county of Cumberland, be holden, and they are hereby ordered to be holden and kept, at Falmouth, on the third Tuesday of May, and the second Tuesday of October; any law to the contrary notwithstanding.

And be it further enacted,

[SECT. 2.] That in this present year, and every year for the future, the general sessions of the peace and inferior courts of common pleas for the county of Lincoln, be holden, and they are hereby ordered to be holden and kept, at Pownalborough, on the first Tuesday of June, and the last Tuesday of September; any law to the contrary notwithstanding.

And be it further enacted,

[SECT. 3.] That all writs and processes already issued, returnable to the courts aforesaid, at the times hitherto appointed by law for holding said courts, respectively, and all matters depending in said courts, shall be proceeded on at the times, respectively, appointed by this act for holding the respective courts aforesaid; and all officers and other persons concerned, are hereby required to conform themselves accordingly. [*Passed April* 24, 1762.

NOTES.—All the acts of this year, except the private act, were printed: chapters 17 and 25 separately; but of the latter no printed copy has been found. The engrossments of chapters 2, 3, 4, 12, 14, 15, 16, 22, 25, 29, 35, 48, 49, and 50, are missing. Chapter 25, in this volume, was printed from the original bill in the State archives.

The following is the title of the only private act passed this year:—

"An Act for Enabling Mary Hunt to Dispose and Convey her Lands and Interest in Holden."—[*Passed April* 24, 1762.

The acts of the first session were duly certified for transmission, August 20, 1761. They were delivered to the clerk of the Privy Council, in waiting, November 21, and, two days later, were referred to the committee on plantation affairs, by whom, on the tenth of December, they were sent to the Lords of Trade. From the Lords of Trade they went, January 13, 1762, in regular course, to Sir Matthew Lamb, for his opinion thereon, who, on the 22d of May, 1762, reported that he had no objection to them in point of law. This report was read at the Board, June 9, 1762, and

it was, thereupon, ordered that these acts "lye by probationary until the further operation and effect of them should be known."

The acts of the second session were certified for transmission, January 16, 1762, and ordered to be delivered to the clerk of the Council, in waiting, June 8, 1762. No order has been found referring them back to the Lords of Trade, nor has any order of the Board been discovered referring them to Sir Matthew Lamb, although the latter included these acts with the acts of the subsequent sessions, in his report hereafter mentioned.

The acts of the third and fourth sessions were certified for transmission, July 6, 1762, delivered to the clerk of the Council, in waiting, September 28, and referred, the next day, to the committee on plantation affairs, by whom, on the 5th of October, they were referred to the Lords of Trade. No record of action upon them by the Board has been found until November 17, when the Secretary informed the Board that these acts "were with Sr Matthew Lamb, for his Opinion thereupon in point of Law." This opinion was given to the Board, January 10, 1763. It embraced the acts of the second session, also, and made no objection to any of these acts, except to the private act, the title of which is given above, and to the acts incorporating towns (see note to 1762–63, chapter 8, *post*). The report of Sir Matthew Lamb was considered by the Board, January 27, when the further consideration of these acts was postponed to the next day, at which time the resolution respecting acts incorporating towns, as given in the note to 1762–63, chapter 8, *post*, was passed, the further consideration of chapter 32 was postponed, as shown in the note to that chapter, *post*, and the draught of a representation was ordered to be prepared, proposing the repeal of the private act aforesaid.

Chap. 3. The proceedings relating to the apportionment of the grant, by parliament, for reimbursing a part of the expenses of the campaign of 1759, and to the receipt of the money from the treasury, are given in the note to 1760–61, chapter 10, *ante*. The following shows the steps leading to the passage of the present chapter, and also the part that Governor Bernard took in this measure for drawing upon the Agent, instead of importing the coin.

"April 7, 1761. The Secretary deliver'd the following Message from his Excellency the Governor to the two Houses respectively Vizt

Gentlemen of the Council and Gentleman of the House of Representatives.

As there was no order made the last Session for gêtting over the money allotted to this Province from the last Parliamentary Grant, I have taken this business into my consideration, and find so large a difference of profit and loss between the two Methods of doing it that I cannot excuse myself stating it to You. But I do not mean to Condemn what is past but only to take care of what is to come. Many circumstances might recommend the former method which do not now exist, one of which, the difference of the Value of exchange is obvious. I shall only consider what is best to be done now. Supposing the sum to be the same as that of the last Year, the Expence of bringing over the Money in Specie I shall reckon from what it cost last Year, as it is not like to be less the next Year. To this must be added the loss of Interest arising from the different times of bringing it into the Treasury. The last Years money arrived here on the 14th day of March last, that of the present Year; if it be drawn for may be got into the Treasury by the 14th of May next, This will make a difference of interest for ten Months; which to the Treasury which pays interest for a much greater sum is a real Loss for so much money as it amounts to.

Thus the Account of the Expence and loss in bringing over the Money in specie will stand,

Difference between the purchase of the money by weight and the Amount of it by tale— to Loss	£605, – 11
Charges of freighting the money &ca	129, 13, –
Freight of £56.000 @ 1 ℔ cent	560, – –
Insurance as paid	1795, 15, 6
Interest of £58.485 being the sum which remain'd after the Charges of receiving it from the Treasury were deducted, for ten months . .	2924, 5, –
	£6014, 14, 5.

If we look for the advantages which are to Ballance this great Sum we shall find them all imaginary; they are not of the Real Value of one shilling. if there was any want of Specie for Circulation, it would be but a temporary Convenience, and not a lasting Gain to introduce Specie, and the want must be great to justify so large a Premium as 10 ℔ Cent, but when there is no want of Specie, nor like to be any, till this money is quite disipated, the Expence &c is an entire loss without even any Convenience to be set against it.

To explain this let us suppose that whilst the Treasury of this Province has £60,-000 to receive in London, some Merchants of this Town want to pay the same sum there, If the Treasury will not exchange its Credit against the Debt of the Merchants, each must freight their own Money, and it is possible that the same sum may be going out and coming in at the same time. The Province will gain nothing by this but will certainly lose the Value of the freight, insurance and Interest of both sums.

What I state here in a feigned Case of particular Persons and time, is actually true in the Real and general Operations of Trade within a short thô indefinite time. For as it is the Nature of Trade like Water to bring itself to a Level, it is just the same thing whether You bring a certain quantity of Specie into the Province, or prevent the like quantity from going out of it.

As therefore the Advantages of negotiating your money by Bills are very plain

and certain, the only question will be whether it be practicable. For this purpose I have consulted some of the principal Merchants of this Town, and am by them assured, that if the Treasurer should be impowered to open a subscription for issuing London Bills, for £50, or £0,000—it would soon be full. I have by me a list of a few Gentlemen who are ready to subscribe £30,000 therefore there is no doubt but that the rest will soon be engaged. Not only the general emolument but the particular expediency of the present time must recommend this to your consideration.

FRA BERNARD."—*Council Records, vol. XXIII., p.* 699.

"April 21, 1761. A Bill intituled an Act for drawing into the Province Treasury part of the proportion of this Province share in the sum granted by Parliament for the Year One Thousand seven hundred and Fifty nine as a compensation to the Colonies &c having passed the House of Representatives to be engrossed.

In Council Read a first and second time. And Ordered that John Erving William Brattle and James Bowdoin Esq[rs] with such as the honourable House shall join be a Committee to take this Bill under consideration and report what amendments they judge proper to be made thereon. In the House of Representatives; Read and Concurred and M[r] Speaker, M[r] Welles, and Col[o] Worthington and M[r] Foster are joined in the Affair.

The Committee abovementioned made report that they had attended the Service, and that upon the most mature deliberation had, they find so many difficulties attending the passing this Bill at present, that they apprehend it is best that the farther consideration of it be referred to the Session of the General Court in May next. (Signed) JOHN ERVING ℔' order.

In Council Read and not accepted; and Ordered that the Bill pass to be engrossed as taken into a new draft. In the House of Representatives: Read and Nonconcurred and Ordered that the above Report be accepted. In Council Read and Concurred."—*Ibid., p.* 766.

"July 11, 1761. In the House of Representatives. Whereas this Court have passed an Act for drawing Bills of Exchange upon M[r] Agent Bollan for £60,000 Sterling. Ordered That the Secretary write to him to apply the Grant of 1759 to the payment of of such Bills, if he shall not before have Shipped it in Silver or Gold. And if he shall have shipped it, then to apply the Provinces Proportion of the £200,000—granted for 1760 to the payment of such Bills. In Council Read and Concurred Consented to by the Governor."—*Ibid., vol. XXIV., p.* 93.

Chap. 6. "Jan. 9, 1759. A Petition of the Town of Rehoboth—Sign'd Ezekiel Reed Town Clerk—Setting forth the Inconveniences that attend the supporting the Gospel in two distinct Congregations while they act as one body in raising money for that purpose. And praying that said Town may be divided into two distinct Precincts by certain Metes and Bounds as set forth in said Petition, and that the Ministerial Lands belonging to said Town be equally divided between the two Precincts: the Inhabitants of the proposed first or West Precinct agreeing to pay to the East precinct the Sum of Three pounds annually for the term of fifteen years from and after their settling a Minister in the East Precinct.

In the House of Representatives Read: And whereas it has been found by experience that the maintaining the Gospel Ministry in the Westerly and Easterly parts of the Town of Rehoboth in two distinct and seperate Congregations while the Inhabitants have acted together as one Precinct in raising money for that purpose has occasioned great difficulties in said Town. To prevent the same for the future It is resolved and Ordered That the said Town of Rehoboth be, and the same hereby is divided into two distinct and seperate Precincts by the following divisional Line, which shall be deemed the Boundary Line between the said two Precincts viz[t] beginning at the Brick School house standing at the Parting of the Roads near the Dwelling House of Capt[n] Daniel Hunt, from thence to go in the Country Road: Southerly that leads towards Kelly's Ferry; until it comes so far Southerly as the said Hunts Land bounds on the said Road; then running Southwesterly with the said Hunts Land until it comes to the Saltwater; Then again beginning at the said Brick Schoolhouse, and running with the Highway going North easterly along by the House of Ebenezer Allen, and the House where Joseph Peck deceased dwelt, and on that Road to the House of Capt[n] Thomas Peck, and by the House of Ephraim Hunt, and so Northerly on the same Road until it comes to Palmers River old Road; then crossing that Road, and running Northerly on a Strait Line to the West corner of the Land of Andrew Carpenter near his House where the Roads meet, then taking the Road that leads to Thomas Allen's House at the Southeast corner of his Homestead Land, being the Southwest corner of the Homestead Land of Josiah Cushing; then running Northerly & Easterly in the Bounds of said Allens and Cushings Land until it Comes to the Highway going Northerly, then taking that Highway going Northerly until it comes to the Highway going Easterly over the long dam (so called) and going Easterly on that Highway till it comes to the Road near the Dwelling House of Peter Millerd, and then running Northerly in that highway leading to the Southend of Long Hill, and running Northerly upon Long Hill in the Highway to the House of Josiah Ide; from thence running Northerly on a Strait Line to a great Rock being the Bounds between Rehoboth and Attleborough; it being the Bounds or Corner of the West and East precinct in said Attleborough, the said Joseph Ide to belong to the East Precinct.

That all the Lands lying Westerly of said Divisional Line being the old part of the Town shall be denominated the first Precinct, and the Lands lying Easterly of said Line the second Precinct.

That the Inhabitants of each of the said Precincts be and hereby are invested with all the Powers and Privileges, and subjected to all the Duties that Precincts in this Province by Law are invested with and Subjected to.

And That all the Ministerial Revenues arising from all and any Lands lying in any part of said Town of Rehoboth heretofore, sequestered to the use of the Ministry in said Town, being Lots of Land laid out in all the several Divisions of Upland and Meadows on the Pastors and Teachers Rights (so called in the Draughts of said Divisions) shall forever hereafter be equally divided betwixt the said two Precincts.

And it is further ordered That the Inhabitants of the said first or West Precinct of Rehoboth pay out of their Treasury to the Inhabitants of the said Second or East precinct the Sum of Three pounds annually for the Term of fifteen years from and after their settling a Minister in said East Precinct. In Council Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXII., p.* 466.

"March 28, 1760. A Petition of Daniel Carpenter and Others, Committee of the first and second Precinct in Rehoboth — Setting forth That the Lands Originally designed for the use of the ministry in said Town containing about 470 Acres, were laid out in distinct Lots in the several Divisions of Lands in said Town and that few of them be Commodious for the ministers Improvement, and but little Improvement has been yet made or is like to be made by them for the future as the Lands lye, And Praying that they may be impowered to sell such part of said Lands as they shall Judge best, and vest the Produce thereof in other Real Estate.

In the House of Representatives Voted That the Prayer of this Petition be granted. And that the within mentioned two Precincts by their Committee which they shall hereafter appoint for that purpose be, and they hereby are impowered to make Sale of the within mentioned Lands as the said Precincts shall Judge most for their Advantage, and to execute a good Deed or Deeds according to Law for the same, They first Observing the directions of the Law for the Sale of Real Estates by Executors and Administrators The proceeds of said Sale to be laid out for the purchasing other Real Estate, which shall be Appropriated for the same use as the Lands which by this Order are allowed to be sold were. In Council Read and Concurred Consented to by the Governor."—*Ibid., vol. XXIII., p.* 313.

"June 19, 1761. A Petition of Thomas Carpenter and Others, a Committee of the second Precinct in Rehoboth — Setting forth — That in answer to a Petition of the 1st and 2d Precincts in Rehoboth, the said Town were allowed and impowered by the Great and General Court to make Sale of the Lands in said Town originally designed for the use of the Ministry, the proceeds thereof to be vested in other Real Estate for the same use. That the said Lands were sold accordingly, and the Second Precincts share of the amount is Six hundred pounds, That said Precinct find it difficult to raise money by a Tax for the support of the Ministry, as there are a number of Anabaptists living therein; whereupon a subscription was set on foot, and four hundred pounds more raised thereby to be added to the Six hundred pounds abovementioned, which sum of One Thousand pounds they pray, they may be enabled to let out at Interest for the support of the Gospel Ministry in said second Precinct.

Upon which Petition a Bill was allowed to be brought in."—*Ibid., vol. XXIV., p.* 54.

See, also, chapter 30, *post*, and note.

Chap. 7. "April 4, 1761. A Petition of Elijah Smith, and Jonathan Bardwell of Coldspring a Committee appointed by the Inhabitants of said Place — Praying that the Plantation in which there are now forty five Families may be erected into a Town.

In the House of Representatives (3d April) Read and Ordered That Mr Belcher and Mr Foster with such as the honourable Board shall join be a Committee to consider and report what may be proper for this Court to do upon this Petition. In Council, Read and Concurred and John Hill Esqr is joined in the Affair."—*Council Records, vol. XXIII., p.* 692.

"April 16, 1761. A Petition of Elijah Smith &c of Coldspring, Praying as entered the 4th Instant that said Plantation may be erected into a Town, In Council Read again together with the Report of the Committee then appointed to consider the same which Report was Accepted. — And Ordered That the Petitioners have leave to bring in a Bill accordingly. Sent down for Concurrence."—*Ibid., p.* 736.

See, also, note to chap. 9, *post*.

Chap. 8. "Nov. 26, 1761. A Petition of Abraham Hill in behalf of the Town of Shutesbury Praying for a Tax of three half pence ℔ Acre on the Lands of the Nonresident Proprietors for the term of seven years to assist the said Town in their Infant State in laying out Publick Roads, and finishing their Meeting House.

In the House of Representatives Read and Ordered That the Petitioners notify the Nonresident Proprietors of the Prayer of this Petition, by inserting the substance thereof in one of the Boston News Papers three weeks successively together with the order of Court thereon that so they shew cause (if any they have) on the second Wednesday of the next sitting of this Court why the Prayer thereof should not be granted. In Council Read and Concurred."—*Council Records, vol. XXIV., p.* 149.

"Jan. 27, 1762. A Petition of Abraham Hill at the request of the Town of Shutesbury Praying for a Tax on the Lands of the Nonresident Proprietors for finishing the Meeting House and making of Public Roads, as entered 26 November last.

In Council Read again and it appearing that the Petitioners had given out Notifications pursuant to the order of Court, and no Answer being made Ordered That there be a Tax of one peny ℔ Acre assessed and levied for the purposes in said Petition mentioned on the unimproved Lands within said Town of Shutesbury for the term of Seven Years; and the Assessors and Constables or Collectors in said Shutesbury be and they hereby are respectively authorized and impowered to assess and collect the same. In the House of Representatives Read and Concurred. Consented to by the Governor."—*Ibid., p.* 205.

"Feb. 8, 1763. A Petition of Abraham Hill, at the desire and by appointment of the Town of Shutesbury — Praying an Explanation of a Vote of the General Court in January 1762 granting a Tax of one penny ℔ Acre on the unimproved Lands in said Town. In the House of Representatives, Whereas by a Vote of the Assembly of the 27th of January 1762 in Answer to the Petition of Mr Abraham Hill in behalf of the Town of Shutesbury. It is ordered that there be a Tax of one peny ℔ Acre assessed and levyed for the purposes in said Petition mentioned on the unimproved Lands within said Town of Shutesbury for the term of seven years, and that the Assessors and Constables in said Shutesbury be and they hereby are respectively Authorized and impowered to assess and collect the same. And Whereas it hath been moved to this Court that in order to avoid any possible difficulty or misconstruction of the said order that might arise for the want of any express provision that the said Tax should be annual for each of the said seven years as was originally intended; and thrô a deficiency of Power by virtue of said order to the Assessors and Constables or Collectors that may be annually chosen during said term. Therefore Ordered That the said Tax of one penny ℔ Acre on the unimproved Lands in said Shutesbury be so understood to be an annual Tax of said sum on said Lands for each and every of the said seven years, and that the Assessors of the said Town for each of the said years respectively are hereby impowered and ordered to assess, and the Constables or Collectors for each of said years respectively to collect the same annually during said term. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 558.

Chap. 9. "June 1. 1762. A Petition of Isaac Vandusen and others, Inhabitants of Great Barrington, Setting forth, That althô they have in the Infancy of the place and for 25 Years past assisted in the Support of an English Minister in the said Town, yet inasmuch as the Dutch is their Mother tongue, and they do not perfectly understand the English Language, they have likewise from time to time paid large sums to a Lutheran Minister to preach and administer the Sacraments to them, And as the Inhabitants are now so encreased in numbers as that the English are themselves able to support an English Minister—Praying that they and their Families may be exempted from paying any longer towards the Support of such English Minister. In the House of Representatives Read and Ordered That the Petitioners serve the Clerk of the Town of Great Barrington with a copy of this Petition that so they shew cause (if any they have) on the second Friday of the next Sitting of this Court why the Prayer thereof should not be granted.

In Council Read and Nonconcurred and Ordered That this Petition be dismissed.

In the House of Representatives Read and Nonconcurred and the House insist upon their own Vote.

In Council Read and Nonconcurred."—*Council Records, vol. XXIV.*, *p.* 390.

Chap. 11. "April 8, 1761. A Petition of Benjamin Lincoln Esqr and Mr Joshua Hearsey in behalf of the Town of Hingham — Setting forth — That the said Town of Hingham hath been at great Expence in Opening a Water passage for the Fish called Alewives from the Sea into Accord Pond, which is wholly within the bounds of said Town, And Praying that said Town of Hingham may be enabled by Law to determine upon such Regulations with regard to said Fish, as may be most likely to ensure the benefit they expect from them.

In Council Read and Ordered that the Petitioners have leave to bring in a Bill for the purposes mentioned. In the House of Representatives; Read and Concurred."—*Council Records, vol. XXIII.*, *p.* 705.

"April 16, 1761. A Petition of Benjamin Lincoln Esqr and Mr Joshua Hearsey of Hingham Praying that some Provision may be made for the preservation of the Fish called Alewives in said Town, and for regulating the taking the same.

In Council Read and Ordered That the Petitioners have leave to bring in a Bill for the purposes mentioned in the Petition. In the House of Representatives Read and Concurred."—*Ibid.*, *p.* 739.

Chap. 13. "June 27, 1761. A Petition of Ebenezer Roby and Others, Inhabitants and Freeholders of and belonging to the East Church and Congregation in the Town of Sudbury—Setting forth, That they are now destitute of a Gospel Minister, And Praying—That they may be enabled to contract with one, the charge and settling and paying said Minister to be paid by the whole Town; they being willing that the West Church and Congregation should have the like priviledge when there shall be occasion.

In the House of Representatives; Read and Ordered That the Petitioners serve the Clerk of the Town of Sudbury with a copy of this Petition that so the said Town shew cause (if any they have) on Thursday the second day of July why the Prayer thereof should not be granted. In Council Read and Concurred."—*Council Records, vol. XXIV.*, *p.* 73.

Chap. 15. "Nov. 28, 1761. In the House of Representatives; Resolved that the Province Treasurer be directed not to borrow any money for the Service of the Province till the next Sitting of this Court. In Council Read and Concurred."—*Council Records, vol. XXIV.*, *p.* 171.

Chap. 17. "Jan. 13, 1761. A Petition of the Inhabitants of the Town of Medfield Setting forth—That the said Town by Mistake have been over Taxed in every Year from 1752 to 1759, inclusive, that by meer mistake in the Committee that made the Valuation for the said Year 1752, the proportion of Dedham was taken for that of Medfield and that of Medfield for Dedham, that the Court of Sessions are now

very Sensible of, and have corrected it in their Valuation for the Year 1760, but doubts are started touching their Correcting the former Years—Praying the Court of General Sessions of the Peace may be enabled in the next County Tax to Assess such sums on the said Town of Dedham to be paid to the Town of Medfield, as it shall Appear they have overpaid and Dedham paid short in the Years.

In the House of Representatives; Read and Resolved that the Prayer of this Petition be granted, and that the Court of General Sessions of the Peace for the said County of Suffolk be and hereby are impowered and directed in their next County rate to Assess the Town of Dedham so much as it shall appear to them that the same hath been undertaxed in the several Years within mentioned, and to Cause the sums that it shall Appear to them that the said Town of Medfield hath paid in the same Years above its just proportion to be refunded to them out of the Tax to be laid on the said Town of Dedham. In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIII., p.* 595.

"July 11, 1761. In the House of Representatives, Whereas the sum of Ninety three pounds six shillings and four pence is by Law to be assessed this Year upon the Town of Stockbridge the Inhabitants of which are chiefly Indians, and in fixing said sum upon said Town, the Indians there were not considered either for their Polls or Estates as chargeable with any part of said Tax.—

Resolved That the whole of said sum be assessed upon the Inhabitants of said Town exclusive of Indians. In council Read and Concurred Consented to by the Governor."—*Ibid., vol. XXIV., p.* 92.

"Nov 24, 1761. A Petition of John Murray Esq^r of Rutland in behalf of said Town—Setting forth That in January last* an order passed the General Court for remitting the sum of £31.1.7 to the District of Prince Town (formerly a part of Rutland) and adding the said sum to the Town of Rutlands Tax the present Year, which was to the injury of the said Town, as in the Year 1760, they were Assessed the full proportion set on said Town before Prince Town was taken off from them, altho they were thus set off in the Year 1759. And Praying Relief.

In the House of Representatives Voted That the Prayer of this Petition be so far granted as that the sum of Thirty one pounds one shilling and sevenpence laid upon the Town of Rutland the present Year over and above their proportion of their Taxes be remitted to said Town of Rutland, and that the same be added to the Province Tax that shall be laid on the District of Prince Town for the Year 1762. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 133.

"Nov. 26, 1761. In the House of Representatives; On a Motion made by the Representatives of Needham and seconded—Ordered That the sum of Five shillings and eight pence three farthings be paid by the Town of Needham to a thousand pounds over and above what they were set at in the Settlement of Valuation, which makes the sum of twenty one pounds, nine shillings and eight pence one farthing to the present Tax over and above what they are assessed at, and that said sum be taken from the present Tax laid upon the Parish of Natick, and added to the Town of Needham, and that the Assessors of Needham be directed to assess said sum accordingly with the present Tax laid on said Town. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 148.

"Feb. 2, 1762. A Petition of Nathaniel Smith and Others, Selectmen of the Town of Sunderland—Setting forth, That the Tax laid upon them in the last Valuation so far exceeds that of other Towns, exceeding in particular that of the Town of Deerfield, that they apprehend there must be some great mistake therein, And Praying Relief. In the House of Representatives Read and in Answer; Ordered That the Assessors of said Town of Sunderland instead of assessing the sum of Two hundred and seven pounds five shillings and five pence set upon the present Year (including Representatives Pay) that they assess only the sum of One hundred and thirty two pounds, five shillings and five pence inclusive of their Representatives Pay as aforesaid. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 222.

"Feb. 16, 1762. A Petition of the Selectmen of the Town of Brooklyn, Setting forth That by a mistake in the late Valuation the said Town of Brooklyn is overrated to the Province Tax, And Praying Relief.

In the House of Representatives Read, and in Answer Ordered That the Assessors of the said Town of Brooklyn instead of assessing the sum of Three hundred and Sixty one pounds five shillings set upon them the present Year, that they assess only the sum of Two hundred and fifty three pounds, fifteen shillings; the Assessors of said Town having made a mistake in returning the sum total of their rents in the Column of 'Rents received,' and their rents 'received' in the Column for the sum total of Rents, In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 259.

"Feb. 16, 1762; In the House of Representatives; Whereas it is found that by mistake the Towns of Brooklyn and Sunderland in the last valuation had more than their just proportion set upon them, Therefore Ordered That the said Towns Province Tax to a thousand pounds 'till the further order of this Court be as follows viz^t Brooklyn Three pounds, seven shilling and eight pence one farthing. Sunderland One pound thirteen shillings and two pence. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 261.

See, also, as to abatement of taxes on Gardner's, or Roxbury, Canada (Warwick), and No. 4, (Becket), 1763-64, chapter 10, *post.*

Chap. 18. "June 2, 1761. A Petition of Joseph Foster, Agent for the Inhabitants of Ware River Parish—Praying they may be invested with the Priviledges of a Town or District,

* See note to 1759-60, chapter 6.

In the House of Representatives; Ordered that the Petitioner notify the Nonresident Proprietors of the Lands in said Parish with a copy of this Petition together with this Order, by inserting the substance thereof in one of the Boston News Papers three weeks successively, that so they shew cause if any they have, on the first Thursday of the next sitting of this Court why the Prayer thereof should not be granted. In Council Read and Concurred."—*Council Records, vol. XXIV., p.* 16.

"Nov. 17, 1761. A Petition of Joseph Foster Praying as entered 2d June last.

In Council Read again, and it appearing that the Petitioners had pursued the orders of Court with regard to Notification. Ordered that the Petitioners have liberty to bring in a Bill for erecting the Parish of Ware River into a District. In the House of Representatives Read and Concurred."—*Ibid., p.* 109.

Chap. 20. "June 4, 1761. A Petition of Samuel Adams Clerk of the Proprietors of a certain Tract of undivided Land containing nineteen thousand Acres lying on the Western side of Kennebunk River in the County of York called Phillipstown—Setting forth—That the said Proprietors at their Meeting legally called and held the 1st of June Instant did unanimously agree that in order to the effectual Settlement of said Land it was necessary to make division of the whole, that so each may know and possess their respective Rights in severalty But that so it hath happened as appears by their Votes, that in the Year 1730. a division was made of two Thousand Acres thereof into forty Lots of Fifty Acres each, and the Proprietors severally drew their Lots, but no possession was ever taken of any of said Lots, nor is the Plan of said division (if in being) anywhere to be found, so that the Proprietors are utterly at a loss to know where said divided part lies, and of consequence are prevented makeing division of the whole (as they are desirous of doing) or even any part of it. And Praying that the division made in 1730, as aforesaid may be made null and void.

In Council Read and Ordered That the Prayer of the Petition be granted, And that the Petitioner have leave to bring in a Bill accordingly. In the House of Representatives Read and Concurred."—*Council Records, vol. XXIV., p.* 20.

"July 9, 1761. A Bill intituled 'An Act to anul a division heretofore made by the Proprietors of common and undivided Lands in a place called Phillips Town in the County of York,' having passed in Council to be engrossed.—In the House of Representatives Read, and Ordered That the consideration of this Bill be referred till the next Sitting of this Court, and that in the mean time Samuel Adams, Clerk to the Proprietors of Phillips Town insert the substance of this Bill in one of the Boston News Papers three weeks successively; also post the same up in some public place in said Plantation of Phillips Town, that so any persons concerned may shew cause, (if any they have) at the next Sitting of this Court why the said Bill should not pass into a Law— In Council Read and Concurred."—*Ibid., p.* 86.

"Nov. 26, 1761. A Bill intituled 'An Act to annull a division heretofore made by the Proprietors of common and undivided Lands in a place called Phillipstown in the County of York, having been twice read in Council the last Session: The Board resuming the consideration of this Bill, and it appearing that Public notice of the substance thereof had been given in the Public news Papers agreeable to order of Court. Read again and passed to be engrossed. In the House of Representatives Read three several times and Concurred."—*Ibid., p.* 143.

Chap. 21. "Nov. 17, 1761. In Council Ordered That Peter Oliver and Harrison Gray Esqrs with such as the honorable House shall join be a Committee to bring in a Bill in addition to the Act for suppressing of Robberies and Assaults.

In the House of Representatives Read and Concurred and Capt Goldthwait, Mr Otis and Mr Paine are joined in the Affair."—*Council Records, vol. XXIV., p.* 106.

"Nov. 23, 1761. John Winslow Esqr from the House of Representatives came up to the Board with a Message to desire that the Committee appointed to bring in a Bill for suppressing Robberies and Assaults may sit forthwith.

In Council Ordered That Thomas Flucker Esqr be of the Committee for bringing in a Bill for suppressing Robberies and Assaults in the room of Peter Oliver Esqr who is absent."—*Ibid., p.* 128.

"Nov. 25, 1761. A Petition of Edward Hartwell Esqr and others Representatives of sundry Towns in the County of Worcester, Setting forth That three trancient persons have been lately committed to his Majesty's Goal in the County of Worcester, where they must remain till September next for trial, and much longer in case of conviction, Therefore Praying that the charge of the said Persons Support may be borne by the Public, or that a special Court may be appointed to try them sooner.

In the House of Representatives; Read and Ordered That this Petition be committed to the Gentlemen of both Houses appointed to bring in a Bill for the Suppression of Robberies Assaults &ca. In Council Read and Concurred."—*Ibid., p.* 140.

Chap. 23. "Jan. 13, 1762. His Excellency Sir Jeffery Amherst has dismissed all your Troops excepting two Parties amounting to less than three hundred Men each, at Halifax and Crown Point, as the Rolls are now preparing for the payment of the whole Regiments to the time of the making the detachments, You will take care that the Treasury be properly supplied: For which purpose the Treasurer shall lay a state of it before You."—*Extract from speech of the Governor to both Houses: Council Records, vol. XXIV., p.* 176.

"Jan. 14, 1762. In the House of Representatives Ordered That Mr Speaker Cole Phillips, Mr Hatch, Mr Otis and Capt Livermore with such as the honourable Board shall join be a Committee to take the first Paragraph of his Excellency's Speech under consideration and make report.

In Council Read and Concurred: and the honble Thomas Hutchinson Esqr John Erving, William Brattle and James Bowdoin Esqrs are joined in the affair."—*Ibid.*, *p.* 178.

"Feb. 9, 1762. I have before me a Bill for supplying the Treasury with the sum of Twenty five Thousand pounds, in which there is a Provision made for paying the Principal sum, but none of the interest, which amounts to five Thousand pounds, I must therefore recommend to You to provide for the discharge of the interest, as well as the Principal in the body of the Bill."—*Extract from message of the Governor to the House of Representatives: ibid., p.* 243.

Chap. 24. "Feb. 5, 1762. According to Agreement the two Houses proceeded to the choice of Civil Officers the present Year, when the Underwritten Persons were chosen Collectors of Excise on Spirituous Liquors &c. for the several Counties hereafter mentioned by a Major Vote of the Council and House of Representatives.

County of Suffolk	Mr Thomas Fletcher
County of Middlesex	Mr John Remington
County of Essex	Daniel Epes Esqr
County of Hampshire	Mr Solomon Stoddard
County of Worcester	Gardner Chandler Esqr
County of Plymouth	Mr John Cushing junr
County of Barnstable	Nathl Stone Esqr
County of Bristol	Mr Seth Williams
County of York	Mr Daniel Clark
Dukes County	Mr James Allen junr
County of Nantucket	Obed Hussey Esqr
County of Cumberland	Mr Theophilus Bradbury
County of Lincoln	Charles Cushing Esqr
County of Berkshire	Mr Elisha Jones junr

Consented to by the Governor."—*Council Records, vol. XXIV., p.* 231.

"June 5, 1762. A Petition of Barnabas Lothrop of Barnstable—Setting forth That as Underkeeper of his Majesty's Goal in the County of Barnstable, he hath supplied the Prisoners and Persons who occasionally came to the Goal with strong Liquors in small quantities not apprehending that he was in the Breach of the Law, as his Predecessors had usually done the same, and as he bought the said Liquors in small Quantities of Persons who had paid the duties of Excise thereon, But that the Collector of Excise in the said County hath informed him that he is Subject to the Penalty of the Law for his doings herein; yet is willing considering the circumstances of his case to remit his Share of the Fine. And Praying the like favour of the Government.

In the House of Representatives; Resolved That the Prayer of the Petition be granted, and that the Province part of the Fine within mentioned be and hereby is remitted. In Council Read and Concurred. Consented to by the Governor."—*Ibid., p.* 408.

"Jan. 26, 1763. William Brattle Esqr from the Board went down to the House of Representatives to propose that the Election of a person to collect the Excise in the County of York may be postponed, as it is uncertain whether the person chosen the last Year is now living or not. Royall Tyler Esqr from the House came up with a Message to inform the Board that they agreed to the foregoing proposal."—*Ibid.*, *p.* 521.

"Jan. 26, 1763. According to Agreement the two Houses proceeded to the choice of Civil Officers for the present Year, when the underwritten Persons were chosen Collectors of Excise on Spirituous Liquors &c for the several Counties hereafter mentioned by a major Vote of the Council and House of Representatives—

County of Suffolk	Mr Thomas Fletcher
Middlesex	Mr John Remington
Essex	Daniel Epes Esqr
Hampshire	Mr Gad Lyman
Worcester	Mr Levi Willard
Plymouth	Mr Nathl Little
Barnstaple	Nathaniel Stone Esqr
Bristol	Thomas Gilbert Esqr
Dukes County	James Allen junr Esqr
Nantucket	Mr Thomas Arthur
Cumberland	Mr Theophilus Bradbury
Lincoln	Mr Thomas Moulton
Berkshire	Mr Elisha Jones junr

Consented to by the Governor."—*Ibid., p.* 522.

"May 27, 1763. Joseph Sayer Esqr from the House of Representatives came up to the Board on a Message to propose choosing a Collector of the Excise for the County of York at 6 o'clock in the Afternoon by joint ballot of the two Houses. William Brattle Esqr from the Board went down to the House of Representatives on a Message to acquaint them that the Board agreed to their proposal of choosing a collector of Excise for the County of York by joint ballot; but that having appointed other Business for the afternoon, they propose that the Election should come on to Morrow Morning at 11 o'clock: to which proposal the House agreed, and signified the same by a Message brought up by Colo Murray."—*Ibid., vol. XXV., p.* 8.

"May 28, 1763. The two Houses According to agreement proceeded to the choice of a Collector of excise for the County of York the current Year. The Votes being counted and sorted, it appeared that Mr David Sewall was chosen by a major Vote of the Council and House of Representatives."—*Ibid.*

Administration was granted on the estate of Daniel Clark, in May, 1763. In the

representation of insolvency of his estate, made Sept. 1763, it is charged that he had collected sixty pounds, excise, which had not been paid into the province treasury. In July, 1772, an additional inventory of his estate was filed containing an item showing that some of his estate had been sold and charged in his books "between the time it is conjectured the Intestate was lost, and administration was taken."

"June 3, 1763. A Petition of Thomas Merryman—Setting forth. That he tho' ignorant and without any intention of fraud did on the 12th of February 1762. sell two barrels of Rum containing 62½ Gall^os to Francis Wyman of George Town in the County of Lyncoln, a person licensed to sell the same whereby the Duty of Excise has been accounted for, altho' the Petitioner himself had no Permit to sell such Liquors. And Praying that he may be exempted from the Penalty of the Law for selling said rum as aforesaid. In the House of Representatives Read and Ordered That the prayer of the Petition be so far granted as that the fine within mentioned be remitted, so far as it relates to the Province. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 24.

"Jan 13, 1764. A Petition of Eliakim Sacket of Westfield praying that a Fine imposed upon him for selling a Hogshead of Rum without Licence may be remitted him for the reasons mentioned. In the House of representatives Ordered That the Prayer of the Petition be granted, and that Solomon Stoddard, Collector of the Duties for the County of Hampshire be allowed (if he see fit) to discontinue his Suit, on the said Eliakims paying the Impost duty and costs aforesaid. In Council."—*Ibid.*, *p.* 127.

"Jan 18, 1764. Pursuant to agreement the two Houses proceeded to the Choice of Civil Officers for the present year when the under mentioned persons were Chosen Collectors of Excise on Spirituous Liquors &c for the several Counties as hereafter mentioned by a Major Vote of the Council and House of Representatives.

County of Suffolk	M^r Thomas Fletcher
Essex	M^r Thomas Porter
Middlesex	M^r John Remington
Hampshire	M^r Lewis Bliss
Worcester	M^r Levi Willard
Plymouth	Cap^t Nathaniel Little
Barnstable	Nathaniel Stone Esq^r
Bristol	M^r Thomas Gilburt Jun^r
York	M^r David Sewall
Dukes County	M^r James Allen Jun^r
Nantucket	Obed Hussey Esq^r
Cumberland	M^r Theophilus Bradbury
Lincoln	M^r Thomas Moulton
Berkshire	M^r Elisha Jones Jun^r

Consented to by the Governor."—*Ibid.*, *p.* 133.

See 1763-64, chapter 2, and note.

"June 12, 1764. A Petition of Alexander Thompson of Colrain —Setting forth, That he ignorantly sold two barrels of Rum without a Permit, for which he is prosecuted in the Law, and the Affair is now pending: that the Excise on said Rum is paid, and praying Relief.

In the House of Representatives. Read and Resolved That the Petitioner Alexander Thompson serve M^r Gad Lyman, Collector of Excise for the County of Hampshire for the year 1763 with a Copy of this Petition and Order thereon, that he may shew cause on the second Tuesday of the next Session of this Court why the Prayer thereof should not be granted, and that the Action commenced by said Collector against the Petitioner be continued in the mean time. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 254.

"Nov. 1, 1764. A Petition of William Vans of Salem—Setting forth—That he is very advantageously situated for supplying the Fishery and other persons with spirituous Liquors; but that the unhappy situation of his Affairs prevented his applying in season to the Court of General Sessions of the Peace for a License at the proper Term: And Praying that they may be impowered at their next Session to grant him a License for that purpose.

In the House of Representatives: Read and Ordered That the Justices of the General Sessions of the Peace for the County of Essex be allowed at their next term to grant the Petitioner a License to retail spirituous Liquors the remaining part of the Year, He first obtaining the approbation of the Selectmen of Salem for that Service, the time for granting Licenses being elapsed notwithstanding.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 310.

"Nov. 2, 1764. A Petition of Benjamin Osgood and John Felt both of Salem, Shoremen, Setting forth. That they are concerned in several fishing Vessels, which used to be supplied with Rum and other Liquors through M^r Timothy Orne, a licensed Person, who now declines the business, and as the time by Law appointed for granting Licenses in the County of Essex is elapsed, Praying that the Justices of the Court of General Sessions of the Peace for the County of Essex may be impowered to grant each of them Licenses to retail strong Liquors at their next Session, the time for granting such Licenses being elapsed Notwithstanding.

In the House of Representatives Read and Ordered That the Justices of the General Sessions of the Peace in the County of Essex be impowered (if they see cause) at their next Session to grant the petitioners liberty to retail strong Liquors, they first obtaining the Approbation of the Selectmen of Salem for that purpose, the remaining part of the Year, the time for granting Licenses being elapsed notwithstanding.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 312.

"Jan. 25, 1765. a Petition of James Stone—Setting forth—That M^rs Sarah Cutler

who hath long kept a public House of Entertainment in Western, and the only one in the said Town upon the great Road leading from Boston to Springfield; and that the petitioner is about removing into the said House: that the Court of General Sessions of the Peace for the County of Worcester stands adjourned to the second Tuesday in May. And praying that two Justices of the Peace Quorum Unus, may be impowered to grant him a License to keep a public House in the meantime.

In the House of Representatives Read and Resolved that the prayer of this petition be granted, and that any two of his Majesty's Justices for the County of Worcester Quorum Unus are hereby impowered to grant the Petitioner License to keep a public House according to the tenor of his petition, he first obtaining the approbation of the Selectmen of the Town of Western, and recognizing as other Licensed Persons.—

In Council Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 354.

"Jan. 25, 1765. a Petition of Hugh Floyd of Medford—setting forth—That he hath for many years past kept a House of entertainment at Medford: but being from home at the time for granting Licenses, his License is not renewed, although he hath been approbated by the Selectmen according to Law: And praying that the Justices of the Court of Sessions for the County of Middlesex may be impowered at their next term to grant him a License for the purpose aforesaid.

In the House of Representatives. Read and Ordered That the Justices of the General Sessions of the peace for the County of Middlesex be, and they hereby are impowered to grant the Petitioner a License to keep a House of public entertainment (if they see cause) at their next Session the remaining part of the year, the time for granting Licenses, being elapsed notwithstanding.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 355.

"Feb. 15, 1765. a Petition of Samuel Pickard of Brookfield—Setting forth That he hath been an Innholder in s[d] Town for several years past, in the House where he now lives; but that he hath built a much more commodious new House for the business, into which he is about to remove. And praying that the Justices of the Court of General Sessions of the peace in the County of Worcester may be impowered at their next Session to grant him a License to keep a Tavern in the said new House, upon his being approbated by the Selectmen for that purpose.

In the House of Representatives. Read and Resolved, that the prayer of this Petition be granted, and the Court of General Sessions for the Peace in the County of Worcester in May next are hereby impowered to grant the Petitioner License to keep a public House according to the tenor of his petition provided he shall obtain the approbation of the Selectmen of Brookfield, and recognize as other Licensed persons.

In Council Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 408.

"Feb. 15, 1765. a Petition of David Thompson of Stoughton—Setting forth—That the House wherein he dwells being accomodated for the Retailing of Spirituous Liquors, and the Selectmen of said Town having approbated him as a fit person for said employment, he applied to the Court of General Sessions of the peace for a License for that purpose; but the time by Law limited for granting Licenses being elapsed, the said Court could not grant him such License without the special aid of this Court. And praying that the Court of General Sessions of the peace next to be holden at Boston in and for the County of Suffolk may be impowered to grant him such License.

In the House of Representatives, Read and Ordered, That the Justices of the General Sessions of the peace for the County of Suffolk be allowed and impowered at their next Sessions (if they see cause) to grant the petitioner a License to retail Spirituous Liquors in the House he now inhabits the remaining part of the year; the time for granting Licenses being elapsed notwithstanding.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 411.

Chap. 25. "Feb. 5, 1762. According to Agreement, the two Houses proceeded to the choice of Civil Officers for the present Year when James Russell Esq[r] was chosen Commissioner of Impost by a Major Vote of the Council and House of Representatives. Consented to by the Governor."—*Council Records*, *vol. XXIV.*, *p.* 251.

Chap. 26. "Jan. 22, 1762. A Petition of Benjamin Lynde Esq[r] and Others—Setting forth the great danger the Town of Salem is in of being destroyed by Fire by Sailmakers and Riggers Lofts in the said Town, And Praying that the Act of this Province made in the 22[d] Year of his late Majesty's Reign intituled 'An Act to prevent damage by Fire in the Towns of Boston and Charlestown may be extended to the Town of Salem.

In Council Read and Ordered That the Prayer of the Petition be so far granted as that the Petitioners have liberty to bring in a Bill for the purpose therein mentioned, and that the Bill extend to all, or any other Trading Towns in the Province that may desire it. In the House of Rep[tives] Read and Concurred."—*Council Records*, *vol. XXIV.*, *p.* 192.

Chaps. 28 and 29. These acts were the result of an attempt, on the part of Gov. Bernard, to induce the General Court to increase the penalties against counterfeiting. The act of 1749-50, chap. 22,—which had been revived and continued by the acts of 1755-56, chap. 10, and 1760-61, chap. 5.—and the act, in addition thereto, of 1753-54, chap. 20, which appears to have been perpetual, imposed the only penalties against counterfeiting current money, not of the coinage of Great Britain, and by neither of these was the offence made felony. The penalty for counterfeiting bills of credit of the province had been made felony, for a second offence, by the provincial statute of 1714, chap. 6; though, even in that act, the benefit of clergy had not been expressly

denied; and the same penalty had been extended to the counterfeiting of the bills of public credit of the province of New Hampshire, and of the colonies of Connecticut and of Rhode Island and Providence Plantation, by the act of 1720-21, chap. 10; but there seems to have been no express enactment fixing a penalty for forging the notes of the province treasurer, unless, by a strained interpretation of the act of 1692-3, chap. 18, § 9, the words "bill obligatory" could be made to include such notes. The proceedings that ensued, in both branches of the Assembly, upon the Governor's message at the beginning of the second session, and the different bills that were, thereupon, proposed, before these chapters were finally enacted, are here given not only as an interesting exhibition of the repugnance of the provincial legislature to extreme penalties, but as an illustration of the manner in which, not unfrequently, the ostensible object of legislation covered a movement of widely different import; as, in this instance, the proposition to increase the penalties against counterfeiting dollars, resulted in the establishment of a bimetallic standard, by making gold, as well as silver, a legal tender; and the proposition to provide new and more rigorous penalties against forgery resulted in an act to prevent forgery, by making it more difficult.

The following message had been promised in the Governor's speech on the same day. In this speech the subject of the message is given as the reason for his convening the Assembly, and described as "a particular business that requires an immediate redress."

"Gentlemen of the Council and Gentlemen of the House of Representatives

About a Month ago a discovery was made of the forgery of divers Treasurers notes; I immediately called the Council together and took proper methods for examining the affair to the bottom. In the course of the enquiry a further discovery was made that the very persons, who were concern'd in the forging the Treasurers notes were also engaged with a large confederacy in counterfeiting dollars It has also appeared that the making of false dollars has been so common in this Country that tho' much of it has been traced, yet there remains a great deal of it still undiscovered.

To what length the mischievous effects of these dangerous practises have been extended is at present impossible to say. However it behoves us to brobe* the evil to the bottom, to apply fit remedies for the past and to provide effectual means to prevent the further mischiefs of it. For this purpose I shall lay before you the following considerations which have readily occurred upon this occasion.

The Treasurers notes are issued with few and inconsiderable Checks, so that it has been found easy to counterfeit them: and yet I am surprized to find that there is no Law to punish such counterfeiting except the common Law, which compared with the mischief is little better than none. It occasions little less surprize to find that there is no Provincial Law to punish the counterfeiting bills of Exchange and notes of hand. It should seem that, now the Public credit of the Province is engaged for many thousands, and the private credit of the Merchants is extended through the mercantile world, both the one and the other deserve the same security which public and private credit have in Great Britain, There the Legislature first began with making the counterfieting Public Securities a capital Offence: and they soon found by parity of reason that private Securities were intitled to the same protection, and accordingly they guarded them with the same penalty. These Laws have been found so expedient and beneficial that they have been executed with an uncommon punctuallity there never having been that I know of a single instance of a conviction under these Acts being Pardoned. This seasonable and uniform severity has had the best effects: it has made these Laws, what all severe Laws are intended to be, a Terror to evil Doers, so that forgery in Great Britain is so seldom attempted, that I suppose there have not been so many instances of forgery there for many Years, as have been committed here in a few months.

Although there are some Province Laws against counterfeiting dollars &c[a] yet they are very inadequate to the Offence, of which there cannot be greater proof than that there have been several mints exercised at one time within this Province, some of them by Persons that have already suffered all that the Law inflicts. And how trifling is the punishment in comparison to the Offence? What a good bargain has such a Man who sells an Ear for 10,000 dollars? but how heavy dos this bargain fall upon those that are ultimately affected by the circulating the bad coin? The Laws of England see this Offence in a very different Light; according to them it is the greatest crime known, High Treason, Indeed the Offence there is confined to the national Coin, because that is the common currency and no other money is a legal tender. But in this Country where it is impossible to have a general currency of English money, such foreign Coin as is current by Law and is become a legal tender is substituted in the room of the English coin, and the whole force of the reason of the penal Laws that has been applied in England to punish and prevent the counterfeiting the English coin is equally applicable here to the common coin, whether English or Foreign that is current within the Province.

In regard to the popular Prejudices against capital Punishments which have hitherto prevailed in this Country I shall only say that at present they are very ill timed. Whilst the People of this Country lived from hand to Mouth and had very little wealth but what was confined among themselves, a simple system of Laws might be proper, and capital punishments might in a great measure be avoided. But when by the acquisition, diffusion and general intercourse of wealth the temptations to fraud are abundantly encreased the terrors of it must be also proportionably enlarged: otherwise if through a false tenderness for wicked Men the Laws should not be sufficient to protect the property of the honest and industrious, the rights of

* *Sic:* probe.

the latter are given up to the former, and the undue mercy shewn to the one becomes a real injury to the other. To instance this I need only say that I have no doubt but that if these crimes had been capital some years ago and usually punished as such, they would not have been committed at all at the present time.

I have therefore to propose.

That all the Treasurers notes be called in with all convenient speed such of them as have passed or are near their time of payment to be paid off; the others to be re-emitted in another shape with proper checks to prevent their being counterfeited. By these means you will know the extent of and put a stop to the present frauds and prevent the like practices for the future.

That the Acts of Parliament against Forgery of Public and private securities, or Vouchers for money or such of them as shall be thought necessary be extended to this Province.

That the Acts of Parliament against coining or counterfeiting of money or such of them as shall be thought necessary be extended to this Province and the current coin thereof, to be specified for that purpose.—

That a standing Committee under an injunction of Secrecy be appointed to consider of what further should be done on these occasions."—*Gov. Bernard's message, Nov.* 12, 1761: *Council Records, vol. XXIV., p.* 100.

In the House of Representatives the foregoing message was immediately assigned for consideration; and, in the afternoon of the same day, it was resolved that a committee of the whole house consider the subject matter of the speech and message, the next morning. After two sessions of the committee of the whole, the committee rose, Nov. 13th, and reported certain resolutions; whereupon it was resolved that Mr. Speaker, Col. Phillips, Mr. Otis, Col. Clap, Mr Tyler, Capt. Livermore and Mr. Paine, be a committee to prepare bills in accordance with the resolutions, and the committee were then permitted to sit again. It was also ordered that the committee appointed to prepare the bills, be directed to sit forthwith.

On the 14th of November, an order passed the Council that Thomas Hutchinson, John Osborne, John Cushing and James Bowdoin, with such as the House should join, be a committee to consider the speech and message. In this vote the House refused to concur. On the 16th, the Council had prepared, and passed through its first reading, the bill hereunder given, at length, and marked, for convenient reference, [No. 1.]

On the 17th, this bill was read a second time in the Council, passed to be engrossed, and sent down for concurrence. In the House, it was read a first time, on the same day, but, on the 18th, in answer to a message of inquiry, from the Council, the House sent up a messenger to inform the Board that they "have determin'd not to give the said bill another reading."

[No. 1.] "An Act to prevent the forging or counterfeiting such Obligations or Notes as are or shall be signed by the Treasurer of the province or any other person or persons authorized in the name & by order of the Government, and to prevent counterfeiting or falsifying coined silver or gold or uttering the same knowing it to be false or counterfeit.

Be it enacted by the Governor Council & House of Representatives, that if any person or persons shall forge counterfeit or alter, or aid assist or abett in forging counterfeiting or altering any Obligation or promisary note signed or which shall hereafter be signed by the Treasurer of this Province or any of his successors, or by any other person or persons authorized, in the name & by order of the Government or if any person or persons shall offer to dispose of or pay away any such forged obligation or promisary note, knowing the same to be forged, or shall, with intent to defraud, demand the mony therein contained or pretended to be due thereon, or any part thereof from the Treasurer or any person or persons employed in paying the monies of this Government, every person so offending shall be guilty of felony & being convicted thereof shall be adjudged to suffer death without benefit of Clergy

And be it further enacted that if any person or persons shall forge or counterfeit any coin resembling or of the similitude of any of the gold or silver coins of Great Britain, or any of the gold or silver coins of France Spain or Portugal, or shall, with a fraudulent intent, import into this Province any such forged or counterfeit coins knowing the same to be false or counterfeit, or shall, for lucre or gain, impair diminish or falsifie any of the gold & silver Coins aforesaid, every such Offender, their counsellours, procurers aiders & abetters shall be guilty of felony & being thereof convicted shall be adjudged to suffer death without benefit of Clergy.

And be it further enacted, that if any person or persons shall utter any false forged counterfeited impaired diminished or falsified gold or silver coin, knowing the same to be so every such person shall upon conviction be fined at the discretion of the Justices of the Superior Court of Judicature Court of Assize & general Gaol delivery (before which Court every trial of any offence against this act shall be) & shall also be set in the pillory for the space of one hour & then have one ear cut off & from thence be drawn to the gallows & set thereon with a rope about his or her neck for the space of an hour & be publickly whipped not exceeding twenty stripes & be committed to the House of Correction & kept to hard labour for the space of six years, or shall suffer such part of the pains & penalties aforesaid as the said Justices according to the circumstances of the Offence shall in their discretion judge proper.

Saving always that nothing in this act before mentioned shall be construed or understood to prevent or restrain Goldsmiths or other persons from melting or working into plate any of the coins aforesaid, the coins of Great Britain only excepted.

And be it further enacted that if any person or persons shall knowingly make or mend, or begin to make or mend, buy or sell or have in his her or their house or possession any mould or press contrived for coining metals or any Instrument or Engine not of common use in any trade & contrived for coining stamping or marking metals for coin or mony every such Offender their Counsellours procurers aiders & abetters shall be liable to all such pains & penalties as by this Act any person or persons is or are made liable to, who shall knowingly utter false or counterfeit coin. provided always that no prosecution shall be made for such offence unless such prosecution be commenced within twelve months after such offence committed."—*Mass. Archives, vol.* 104, *p.* 101.

In the mean time the House committee had reported three bills, given hereunder, in full, and numbered 2, 3 and 4, respectively. These bills took their first reading, Nov. 17th, and their second and third readings, Nov. 18th, when they were passed to be engrossed, and sent up for concurrence.

[No. 2.] "An Act against counterfeiting Bills of Exchange and Promissory Notes.

Be it enacted by the Governour, Council and House of Representatives, That if any Person from and after the 25th day of November Current shall falsely make, forge, or counterfeit, or procure to be made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting, any Bill of Exchange or Promissory Note, for the Payment of Money, or Delivery of Goods, or any Acquittance or Receipt either for Money or Goods, or any Indorsement or Acceptance of any Bill of Exchange, or any Indorsement of any Promissory Note, for the Payment of Money or Delivery of Goods, or the Number or principal Sum of any Bill of Exchange, Promissory Note, or accountable Receipt for any Note, Bill or other Security for Payment of Money, or any Warrant or Order for Payment of Money or Delivery of Goods, with Intention to defraud any Person whatsoever, or shall utter or publish as true, any such false, forged or counterfeited Bill of Exchange, or Promissory Note for the Payment of Money or Delivery of Goods, or any Acquittance or Receipt, either for Money or Goods, or any Indorsement or Acceptance of any Bill of Exchange, or any Indorsement of any Promissory Note for the Payment of Money or Delivery of Goods, or the Number or principal Sum of any Bill of Exchange, Promissory Note or accountable Receipt for any Bill, Note or other Security for Payment of Money, or any Warrant or Order for the Payment of Money or Delivery of Goods, with Intention to defraud any Person, knowing the same to be forged, and counterfeited ; Then every such Person being thereof lawfully convicted according to the due Course of Law, shall be Sett upon the Pillory in some market Town or other open Place and there to have one of his Ears cutt off and shall also have and Suffer Imprisonment by the space of one whole year without Bail or Mainprize.

And the Party or Parties aggrieved by Reason of any of the Offences aforesaid, may take his or their Action against any such Offender or Offenders, in any Court of Record, and shall recover double Damages and Costs to be found and assessed in such Court."—*Ibid.*, *p.* 104.

[No. 3.] "An Act for making several Species of foreign Gold Coin a lawful Tender, and for the more effectually preventing the forging and counterfeiting money.

Whereas divers Species of foreign Gold Coin are Current in this Province, and are received into and paid out of the publick Treasury, but are not a lawful Tender, in publick or private Payments; by which it is apprehended many Inconveniences have arisen to the Prejudice of Trade and Commerce, and consequently very detrimental to the Publick,

Be it therefore enacted by the Governour, Council and House of Representatives, That the several Species of foreign Gold Coin hereafter enumerated, at the Rates by this Act established, shall be a lawful Tender in all Payments, publick and private; (express Contracts excepted) That is to say, a Johannes, or other of the mill'd gold Coin of the Kingdom of Portugal of the Weight of eighteen penny Weight, six Grains, to be accounted and paid at Four Pounds sixteen Shillings.

A Moidore that weighs six penny Weight, twenty one Grains, at thirty six Shillings.

The half, Quarters, and lesser Pieces of the several and respective foreign Gold Coins aforesaid, to be accounted, received, taken and paid in the same Proportion.

And be it further enacted, That if any Person or Persons after the Twenty fifth Day of November Current, shall falsely make, forge or counterfeit, or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting any Money or Coin, the Currency of which is established, by this or any former Law of this Province, or shall falsely make, forge or counterfeit, or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting any Money that is or may be current in this Province, or shall utter any such false, forged or counterfeit Money, or Coin, knowing the same to be false forged or counterfeited, and be thereof convicted at the Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall be set in the Pillory for the Space of one Hour, and then have one of his or her Ears cutt off, and from thence shall be drawn to the Gallows and set thereon, with a Rope round his or her Neck for the Space of one Hour, and then shall be publickly whipped, not exceeding thirty five Stripes, and afterwards committed to the House of Correction, and there confined and kept to hard Labour, for a Term not less than ten years, nor exceeding twenty years; and during such Term shall once every year, at the Time of holding the Quarter Sessions for the Peace, be set in the Pillory for the Space of one Hour.

Provided, That the Justices of the Superiour Court shall at their Discretion abate any Part of the Pains and Penalties aforesaid, as far as respects the uttering any forged, or counterfeit Money."—*Ibid.*, *p.* 118.

[No. 4.] "An Act for the better securing the Possessors of the Province Treasurer's Notes, (A.) *and for preventing the Counterfeiting the same.* (A.)

Whereas the Treasurer of this Province hath been empowered and directed by several Acts, to borrow large Sums of Money for the Use of the Province, and to give his Receipts or Obligations for the Payment of the same; many of which Receipts and Obligations are now outstanding and unpaid; and divers Frauds and Deceits have been put upon several Persons by forging and counterfeiting said Receipts and Obligations tendering in Payment, uttering and exchanging such forged and counterfeit Receipts and Obligations to the Prejudice of the publick Credit.

Be it therefore enacted by the Governour, Council and House of Representatives, That (G.) all Receipts, notes or Obligations, hereafter to be given by the Treasurer (G.) of this Province, by Virtue of this or any other Act (B.) for Money borrowed, or (B.) to be borrowed, for the Use of the Province, shall be (G.) in the Form following, (G.) Viz[t]

Province of the Massachusetts-Bay.

Day of A: D. Borrowed and Received of the Sum of for the Use and Service of the Province of the Massachusetts-Bay; And in behalf of said Province, I do hereby promise and oblige myself and Successors in the Office of Treasurer to repay the said or to his Order the Day of A. D. the aforesaid Sum of in Coined Silver of Sterling Alloy, at six Shillings and eight Pence per Ounce, or Spanish Mill'd Dollars at six Shillings each, (C.) *or in Coined Gold at the Rates as are established by Law* with Interest Annually at the Rate of Six per Cent. per Annum. (C.)

A: B.
C. D. } Committee
E: F.

Witness my Hand
H. G. Treasurer.

Which Form, (except as is hereafter provided,) shall be printed upon the most suitable Paper, that can from Time to Time be provided by the Treasurer, and a suitable Border round the same (D.) *with* the Words, Province of the Massachusetts-Bay, (D.) the Word Committee, and the Words, Witness my Hand, shall be struck off from a Copper Plate, which the Treasurer likewise is empowered to procure; and each Blank before it is filled up, shall be stamped in some convenient Part of it with a Stamp of a new Form, to be procured by the Treasurer for that Purpose.

And be it further enacted, That a Committee of Three, shall (H.) *from Time to* (H.) *Time*, be appointed by the General Court, who shall sign all the Blanks at the left Hand, as in the Form aforesaid is prescribed, before the Treasurer fill them up: And the said Treasurer and said Committee are also empowered and directed to dispose of the Custody of said Copper Plate and Stamp in such Manner, as in their Discretion shall appear most likely to prevent any Frauds or Counterfeits; and the said Committee, and all Persons to be employed in the Printing, Engraving or Stamping of said Blanks, shall be under Oath to the faithful Discharge of their respective Trusts.

And be it further enacted, That the Treasurer be, and he is hereby empowered and directed upon the Request of the Possessor or Possessors of any of his Receipts or Obligations for Money borrowed for the Use of the Province, which are now outstanding, and not payable at the Time of such Requests, to take such Receipts and Obligations up, and to give the Possessor or Possessors in Lieu thereof new Receipts or Obligations, (I.) for such Sum or Sums as are contained in the Receipts or (I.) Obligations so taken up, or shall give one new Receipt for any such Number of old ones, (E.) *payable at the same Period* as the Possessor shall request to have in one new (E.) Receipt or Obligation; taking Care to pay the Interest that may be due upon such old Receipts or Obligations; which new Receipts or Obligations shall be made payable at the same Periods with those taken up. And all the Funds established or appropriated by any Act or Acts of this Province, for the Redemption and Payment of any such old Receipts or Obligations, are hereby confirmed, and shall remain established and appropriated to the Redemption and Payment of the new Receipts and Obligations to be given in the Form prescribed by this Act: and such new Receipts and Obligations shall, to all Intents and Purposes, avail the Possessor, as if he were possessed of the Receipts or Obligations so to be given up.

And be it further enacted, That no Possessor or Possessors of any of the Treasurer's Notes, Receipts or Obligations now payable, or that may become payable before the last Day of June next, shall receive any Interest upon such Receipt or Obligation for any longer Term than until the last Day of July next.

(F.) And be it further enacted, That if any Person or Persons, from and after the (F.) twenty fifth Day of November Current, shall forge or counterfeit any Receipt, Note or Obligation made or given out by the Treasurer of this Province, for the Payment of any Sum of Money in the Form established by this or any other Act, empowering the Province Treasurer to borrow Money on the behalf, and for the Use of the Province, or any Endorsement of any such Receipt, Note or Obligation, or procure to be made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting, any such Receipt, Note, Obligation or Endorsement, or shall tender in Payment, utter, vend, exchange or barter any such forged or counterfeited Receipt, Note or Obligation, or demand to have the same exchanged for ready Money, knowing such Receipt, Note or Obligation so endorsed, or demanded to be exchanged, vended or bartered, to be forged or counterfeited, or shall tender in Payment, utter, vend, exchange or barter, or demand to have exchanged for ready Money, any true Receipt, Note or Obligation of the Province Treasurer with a forged or counterfeited Endorsement thereon, knowing such Endorsement to be forged or counterfeited; then every such Person so offending, being thereof lawfully convicted at the Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall be set in the Pillory for the Space of one Hour, and then have

one of his or her Ears cut off, and from thence shall be drawn to the Gallows, and set thereon with a Rope round his or her Neck for the Space of one Hour, and shall then be publickly whipped not exceeding thirty five Stripes; and afterwards committed to the House of Correction, and there confined and kept to hard Labour, for a Term not less than ten Years, nor exceeding twenty Years: and during such Term, shall once every Year at the Time of holding the Quarter Sessions for the Peace, be set in the Pillory for the Space of one Hour.

Provided, That the Justices of the Superiour Court shall at their Discretion, abate any Part of the Pains and Penalties aforesaid, so far as respects the uttering any forged or counterfeit Receipt or Obligation.

And be it further enacted, That upon a second Conviction of any of the Offences aforesaid, the Offender or Offenders shall be deemed guilty of Felony, and suffer Death without Benefit of Clergy.

And be it further enacted, That whoever shall inform of any of the foregoing Offences so as y^e^ Offender or Offenders shall be convicted of the same, such Informer or Informers shall receive out of the Treasury of this Province the Sum of twenty five Pounds.

And this Act shall be read in every Town and District at their next March Meeting: and any Town or District Clerk neglecting to read the same, shall forfeit twenty Shillings, to the use of the Poor of the Town or District where such neglect happens."—*Ibid.*, *p.* 110.

"Nov. 18, 1761. The Secretary went down to the House of Representatives to inform them that the Board had Nonconcurred three several Bills sent up from the House—to prevent counterfeiting Bills and Promissory Notes—for making Gold a tender,—and for preventing the counterfeiting money— And for securing the Possessors of the Province Treasurers Notes; and that the Board had thereupon passed the following Vote viz^t^

In Council Ordered That the honorable Thomas Hutchinson Esq^r^ John Cushing, William Brattle, James Bowdoin and John Choate Esq^rs^ with such as the honorable House shall join be a Committee to take under consideration his Excellency's Speech and Message to the two Houses at the opening of the present Session.

In the House of Representatives (19^th^) Read and Concurred and Judge Russell, M^r^ Otis, M^r^ Paine, M^r^ Hatch, General Winslow and M^r^ Tyler are joined in the Affair."—*Council Records, vol. XXIV., p.* 111.

The House also sent a message to the Council requesting them to direct the joint committee to sit forthwith.

The bill against counterfeiting bills of exchange, &c., [No. 2.] was sent down to the House, by their request, Nov. 23rd, and, thereupon, it was sent up to the Board, by a committee of five members, with a message requesting that the Council would reconsider their vote of nonconcurrence, and vote to concur with the House, therein. This seems to have been the final action on this bill.

The bill for making foreign gold a lawful tender, &c., [No. 3.] was also sent down to the House, by their request, Nov. 23rd. On the same day it was read three times, passed to be engrossed, and sent up for concurrence. In the Council the bill was read Nov. 23rd, and, again, the next day; when, on the question being put, it was refused an engrossment.

The Council now prepared a bill [No. 5.] intended to embrace the important provisions of bill No. 1, with such modifications as, it was supposed, would be acceptable to the House. This bill had its two readings, and was passed to be engrossed and sent down for concurrence, on the 20th of November. In the House it was read a first time the same day, and a second time the following day, and, Nov. 23rd, it was read a third time, and refused an engrossment. The bill is as follows:—

[No. 5.] "An Act to prevent counterfeiting or falsifying coined Silver or Gold; or uttering the same knowing it to be false or counterfeit: And to prevent the counterfeiting such obligations or notes as are or shall be signed by the Treasurer of the Province or any other person or persons authorized in the name and by order of the Government.

Be it enacted by the Governor Council & House of Representatives that if any person or persons shall forge or counterfeit any coin resembling, or of the similitude of any of the gold or Silver coins of Great Britain; or any of the gold or Silver coins of France, Spain or Portugal; or shall with a fraudulent intent import into this Province any such forged or counterfeit coins, knowing the same to be false or counterfeit; or shall, for lucre or gain or with a fraudulent intent impair diminish or falsify any of the gold or Silver coins aforesaid; or shall utter any false forged counterfeited or falsified gold or Silver coin, knowing the same to be so: or shall knowingly make or mend, or begin to make or mend, buy or sell; or have in his, her or their house or possession any mould or Press contrived for coining metals; or any Instrument or Engine not of common use in any trade, and contrived for coining, stamping or marking metals for coin or money; every such offender, their counsellours, Procurers, Aiders or abetters, being convicted of either of the Crimes aforesaid, at the Superior Court of Judicature, Court of Assize and General Goal delivery, shall be set in the Pillory for the space of one hour, and then have one of his or her ears cut off; and from thence shall be drawn to the Gallows, and set thereon with a rope round his or her neck for the space of an hour, and shall then be publickly whipped; and afterwards be committed to the house of Correction, and there confined and kept to hard labour for a term not less than ten years, nor exceeding twenty; and during such term shall, once in every year at the time of holding the quarter Sessions for the peace when tavern & other Licences are to be granted, be set in the Pillory for the space of one hour.

Provided that the Justices of said Court shall at their discretion abate any part of the pains and penalties aforesaid So far as respects the uttering of such counterfeit coins, according to the circumstances of the offence:

And be it further enacted that if any person shall forge counterfeit or alter; or aid assist or abett in forging counterfeiting or altering any obligation or promisory note signed, or which shall hereafter be signed by the Treasurer of this Province, or any of his Successors, or by any other person or persons authorized in the name and by order of the Government; or if any person or persons shall offer to dispose of or pay away any such forged obligation or promisory Note knowing the same to be forged; or shall with intent to defraud, demand the money therein mentioned, or pretended to be due thereon, or any part thereof from the Treasurer, or any person or persons employed in paying the monies of this Government, every person so offending being convicted of either of the offences aforesaid at the Superior Court aforesaid shall suffer all the pains and penalties, which by this Act are order'd to be inflicted on persons convicted of counterfeiting the coins before-mentioned.

And be it further enacted that upon a Second Conviction of any of the Offences in this Act before-mentioned (the offence of uttering counterfeit-coin only excepted) the offender or offenders shall be deemed guilty of felony And Suffer death without benefit of Clergy.

And be it further enacted That whoever shall inform of any of the foregoing offences so as the offender or offenders shall be convicted of the same, such Informer or Informers shall receive out of the Treasury of this Province the sum of twenty five pounds."—*Mass. Archives, vol.* 104. *p.* 107.

The bill for better securing the possessors of the province treasurer's notes, &c., [No. 4.] in which the Council had refused to concur, Nov. 18th, was sent down to the House, Nov. 20th, at their request, and, probably, had its first reading then, although this does not expressly appear in the House journal. On the next day, it was read a second and third time, passed to be engrossed, and sent up for concurrence. In the Council, it was read the first time on the 23rd, and a second time, on the 24th, when the Council voted to concur in the vote for engrossment, with the following amendments:—

The words which appear in italics, in the bill as printed above, were to be stricken out, and the following words inserted; viz., at (**A.**), "*by enabling the province treasurer to give new receipts or obligations in lieu of such notes as are now extant*"; at (**D.**), "*and also*"; at (**B.**), "*now in force*"; and all of that part of the bill following (**F.**), relative to the counterfeiting of notes, was to be stricken out.

At this stage, the Governor sent the following message, dated Nov. 24th, 1761:—

"Gentleman of the Council and Gentlemen of the House of Representatives

As the several matters recommended to You at the opening of this Session have met with extraordinary delays; and it is time to determine whether this Session shall be continued through the Winter, or the General Court shall be prorogued to the beginning of the new Year, I am willing that my recommendations should be confin'd to the Single business of calling in and reemitting the Treasurers Notes, and that the other business may stand over. But I think it indispensible that the Owners of the Notes should be obliged to bring them in by a certain day under the penalty of the interest ceasing at that day: without this it can neither be ascertained what Notes have been counterfeited, nor will a stop be put to the Practice for the future: for this purpose it will be most expedient to reemit them in the same money they are payable now.

As for the penalty of counterfeiting them although I think all punishments, except capital, will be inadequate, I shall consent to such others as you shall think fit, provided you add a clause, that all the interest upon these reemitted Treasurers Notes shall cease upon the expiration of the several terms for which they are granted, that there may be a certain determination of the probable mischief of counterfeiting notes within a few Years. FRA BERNARD."—*Ib., vol.* 110, *p.* 105.

To the amendments proposed as above, the House refused to agree, except to those at (**D.**) and (**E.**); and voted to insist upon the bill as thus amended, and so sent it up for concurrence. This was Nov. 25th, and the Council, the next day, voted to concur with the vote of the House respecting the amendments at (**A.**) and (**F.**), but voted to insist on their amendment at (**C.**); and, thereupon, sent the bill down for concurrence. The House again non-concurred, and voted to adhere to the bill as last sent up, and again sent it up for concurrence.

This last action of the House, in which the Council refused to concur, led to a proposal, from the latter, for a conference, to which the House agreed; and a conference was, accordingly, held on the afternoon of the 27th,—the Speaker of the House proceeding to the Council Chamber for that purpose.

The next day the bill was sent down from the Council, with a message that it had been read again, and reconsidered, and that the Board adhere to their own vote as last sent down, with the further amendments which follow; viz., to strike out all the words from (**G.**) to (**G.**), and insert "a sufficient number of receipts, notes or obligations, for the purpose hereafter mentioned in this act, be prepared by the province treasurer"; to strike out the italicized words at (**H.**); and, at (**I.**), to insert the words "of the form before prescribed in this act."

The House refused to concur, and voted to adhere to their own vote as last sent up, and returned the bill, unchanged, for concurrence; which the Council, on the same day, refused. This ended all legislative proceedings on these bills, for the session. The House, however, took the precaution to pass an order, "That all matters which had day at this session, and are not passed upon, have the same day at the next session of this court"; in which order the Council voted to concur.

On the same day, the Governor prorogued the court, in the following speech:—

"Gentlemen of the Council and Gentlemen of the House of Representatives

After more than a fortnight spent in fruitless Debates, I find myself Obliged to Prorogue this General Court, without any Thing effectual being done in the important Business for which I called you together, I have all the while been a dis-

interested but not an unconcerned Spectator, of the Disagreement that has arisen among You: And as I have in no way interfered in it, but in pointing out what I thought the present Exigency required of You: It is my Right as well as my Duty, to interpose my Advice. I therefore do earnestly exhort you all and single, that as the Prorogation of this General Court will put a legal End to all the Business now depending in it; it may have the same Effect upon your Minds and Memories; that when you meet again, you may be wholly free from all prejudice and Bias whatsoever, arising from any of the Transactions which have defeated the Intention of this Session. FRA. BERNARD."—*Ibid.*, *p.* 173.

In his speech at the opening of the third session, the Governor declined to call the attention of the representatives to any new subjects of legislation until "business of great importance, now lying unredressed and unanswered," should have received their attention, and requested "that, as the last prorogation put a legal end to all the business then depending in the general court," the subjects then left unsettled, might be considered, if not without reference to former differences, at least, with the determination to avoid such disputable points, as might end in hopeless division. On the next day, the bills, passed in the House the last session, which were not concurred in by the Council, were produced by the Secretary, upon the order of the House, and a joint committee of both branches was appointed to consider that part of the Governor's speech relating to these bills, and make report. This committee was ordered to sit forthwith. On the 22nd of January, a committee, that day appointed by the House to "prepare the draught of a bill for making gold a tender in payments, &c.," reported the following [No. 6.]; which had its first reading on the same day, and, on the next day, was read a second and third time, passed to be engrossed, and sent up for concurrence.

[No. 6.] "An Act in Addition to an Act made and passed in the twenty third Year of his late Majesty George the Second, Intitled 'An Act for ascertaining the Rates at which Coined Silver and Gold, and English half Pence and Farthings may pass within this Government.

(A.) Whereas divers Doubts (A.) *and Disputes have lately arisen relating to the true Intent and Meaning of said Act and it has been made a Question whether the gold Coins therein mentioned* are a legal Tender.

Be it therefore enacted and Declared by the Governour, Council and House of Representatives, That the several gold and silver Coins in said Act specified, at the (B.) Rates in said Act mentioned, (B.) *have been, now* are, and shall be a legal Tender (C.) in all Payments, publick and private, (C.) *express, Contracts to the Contrary excepted.*"—*Mass. Archives vol.* 104 *p.* 145.

The Council voted to amend, by striking out the words in italics, and inserting, at (A.), "have arisen and a Question been made whether the Gold Coins mentioned in—An Act made and passed in the 23d year of his late Majesty George the Second intituled 'An Act for ascertaining the rates at which coined Silver and Gold and english half pence and farthings may pass within this Government'; and, at (C.), 'Specialties and express contracts excepted'—Provided that a double Johannes or Gold Coin of Portugal mentioned in the said Act shall not weigh less than eighteen penny weight six grains, a single Johannes not less than nine penny weight three grains, a Moydore not less than six penny weight twenty grains; and a Guinea not less than five penny weight seven grains; and that such of the said Coins which shall fall short of the respective weights aforesd shall nevertheless be accounted a Tender with a just Allowance for such deficiency."

On the original bill, in the archives, it appears that these amendments were proposed in the Council, Jan 23rd, on the first reading of the bill, and, on the 27th, that the bill was read a second time, and passed, in concurrence, to be enacted, as taken into a new draught, and sent down for concurrence; and that the House on the next day, concurred in the bill, as taken into a new draught by the House, and sent it up for concurrence; when the Council immediately passed a vote to concur. By the journal of the House, however, as well as by the records of the Council, it appears that the bill had only passed to be engrossed. On the 29th, the bill passed, in both branches, to be enacted.

Notwithstanding this, the House, as late as the 3rd of February, by a yea and nay vote, resolved that the words "express contracts to the contrary excepted" be struck out of the bill; and, on the 6th, the bill was brought down by the Secretary, with an amendment, which the House voted to consider on the 9th. As the above quoted words do not appear in the act, and, as the clause, omitted in the bill, relating to the entering up of judgments, appears in the act, as well as the clause fixing the rate of gold, it would seem that the bill, after it had passed to be enacted, had been, in some manner, reconsidered and amended, sometime after its passage to be enacted in both houses, and before it had been signed by the Governor, or received the seal, though no further record of this irregular proceeding has been preserved.

At the third session, another attempt was made to secure the enactment of the provisions, substantially, of the bill [No. 4.] for better securing the possessors of the province treasurer's notes, &c. Accordingly, Jan. 25th, a joint committee was appointed to prepare the draught of a bill for preventing the counterfeiting coin and the treasurer's notes. Two bills seem to have resulted from this reference to the committee: one was substantially chapter 29. This bill had its first reading, in the House, on the 29th; and, on the 30th, was read a second time, and "recommitted, to make a proposed amendment." On the 2nd of February, it was read again, and referred. On the 4th, it was read again, passed to be engrossed, and sent up for concurrence. In Council, on the same day, it was read twice, and passed to be engrossed, in concurrence, with an amendment striking out the following words from the sixth section; viz., "upon pain of forfeiting the interest of such notes," and inserting the clause, now remaining in that section, beginning with "and no inter-

est," and ending with "July next." It was then sent down for concurrence. The next day, the House voted to concur; and, on the 8th, passed it to be enacted. On the 9th, it was passed to be enacted by the Council; and signed by the Governor, on the 10th.

The other bill is given below. The words in brackets and italics, are interlined, in the hand-writing of Lieut.-Gov. Hutchinson, and the latter of these clauses was substituted for the next nine words which follow.

[No. 7.] "An Act in Addition to an Act, Intitled, 'An Act against diminishing or counterfeiting Money'; made and passed in the twenty third Year of [*his late Majesty King*] George the Second; and for preventing the counterfeiting of the Province Treasurer's notes.

Be it enacted by the Governour, Council and House of Representatives, That if any Person or Persons after the First Day of March next shall falsely make, forge or counterfeit, or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting any (H.) *Money or Coin*, the Currency of which is established by the Laws of this Province, or shall falsely make, forge or counterfeit, or procure to be falsely made, forged or counterfeited, or willingly act, or assist in the false making, forging or counterfeiting any (A.) *Money* that is or may be current in this Province, or shall utter any such false, forged or counterfeit Money or Coin, knowing the same to be false, forged or counterfeited, and be thereof convicted at the Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall be set in the Pillory for the Space of One Hour, and then have one of his or her Ears cut off, and from thence shall be drawn to the Gallows and set thereon with a Rope round his or her Neck for the Space of one Hour, and shall then be publickly whipped not exceeding thirty five Stripes, and afterwards committed to the House of Correction, and there confined and kept to hard Labour, for a Term not less than ten years nor exceeding twenty Years; and during such Term, shall once every Year at the Time of holding the Quarter Sessions for the Peace, be set in the Pillory for the Space of one Hour. (H.) (A.)

Provided, That the Justices of the Superiour Court, shall at their Discretion, abate any Part of the Pains and Penalties aforesaid, so far as respects the uttering any [*such Gold or Silver Coin as aforesaid.*] *forged or counterfeited money or Coin established by law.*

And be it further enacted, That upon an Escape of any such Person from the House of Correction (after Conviction, or upon a second Conviction of any of the Offences aforesaid, the Offender or Offenders shall be deemed guilty of Felony, and suffer Death without Benefit of Clergy.

And whereas divers Frauds and Deceits have been put upon several Persons, by forging and counterfeiting the Province Treasurer's Receipts and Obligations, tendering in Payment, uttering and exchanging such forged and counterfeited Receipts and Obligations, to the Prejudice of the publick Credit:

Be it further enacted, That if any Person or Persons, from and after the First—Day of March next shall forge or counterfeit any Receipt, Note or Obligation made or given out by the Treasurer of this Province, pursuant to Law, for the Payment of any Sum of Money, or in Imitation of any such Province Treasurer's Note, Receipt or Obligation, or any Indorsement of any such Receipt, Note or Obligation, or procure to be made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting any such Receipt, Note, Obligation or Indorsement, (B.) *or in Imitation thereof*, or shall tender in Payment, utter, vend, exchange or barter any such forged or counterfeited Receipt, Note or Obligation, (C.) *or in Imitation thereof*, or demand to have the same exchanged for ready Money, knowing such Receipt, Note or Obligation so endorsed or demanded to be exchanged, vended or bartered, to be forged or counterfeited, or shall tender in Payment, utter, vend, exchange or barter, or demand to have exchanged for ready Money, any true Receipt, Note or Obligation of the Province Treasurer with a forged or counterfeited Endorsement thereon, knowing such Endorsement to be forged or counterfeited; then every such Person so offending, being thereof lawfully convicted at the Superiour Court of Judicature, Court of Assize and General Goal Delivery, shall be set in the Pillory for the Space of one Hour, and then have one of his or her Ears cut off, and from thence shall be drawn to the Gallows, and set thereon with a Rope round his or her Neck for the Space of one Hour, and then shall be publickly whipped not exceeding thirty five Stripes; and afterwards committed to the House of Correction, and there confined and kept to hard Labour for a Term not less than ten Years, nor exceeding twenty Years; and during such Term shall once every Year at the Time of holding the Quarter Sessions for the Peace, be set in the Pillory for the Space of one Hour. (B.) (C.)

Provided, That the Justices of the Superiour Court shall at their Discretion, abate any Part of the Pains and Penalties aforesaid, so far as respects the uttering any forged or counterfeit Receipt or Obligation.

And be it further enacted, (D.) *That upon an Escape of any such Person from the House of Correction (after Conviction) or upon a Second Conviction of any of the Offences aforesaid*, the Offender or Offenders shall be deemed guilty of Felony, and suffer Death without Benefit of Clergy. (D.)

And be it further enacted, That whoever shall inform of any of the aforegoing Offences so as the Offender or Offenders shall be convicted of the same, such Informer or Informers shall receive out of the Treasury of this Province the Sum of twenty five Pounds.

And whereas in and by an Act made in the twenty third Year of his late Majesty King George the Second, Intitled, 'An Act against diminishing or counterfeiting Money' It is among other Things enacted, That upon a Second Conviction of any or either of the Offences in said Act mentioned, the Offender or Offenders shall

be committed to the House of Correction, and there kept to hard Labour for the Space of twenty Years:—And whereas it may happen that the Charge of support-
(E.) ing (E.) *such Offender or Offenders in the House of Correction* during the Term aforesaid, may (in Case of Sickness or other Disability to Labour) become a Burthen unreasonable to be borne by that single County where the Conviction may be had:
(F.) Be it therefore enacted, That the Charge that may arise for the Relief or Support of such Offender or Offenders (during (F.) *such Commitment as aforesaid*, either by
(G.) Force of the Act aforesaid, or of this present Act) so far as the same through Sickness or (G.) *otherwise*, shall appear to be unavoidable, shall be born by the Province, and be paid out of the publick Treasury accordingly.

And be it further enacted, That if any Puncheon, Dye, Stamp, Edger, cutting Engine, Press, Flask, or other Instrument for coining or counterfeiting gold or silver Monies, or any Part of such Tool, shall be hid in any Place, or found in the House or Possession of any person (NOT EMPLOYED IN COINING IN HIS MAJESTY'S MINTS), nor having the same by Authority, any Persons discovering are required to seize the same, and to carry them to some Justice of the Peace, to be produced in Evidence against any Person who shall be prosecuted for such Offence, and after they shall have been produced in Evidence, they shall by Order of the Court, or in the Presence of some Justice of the Peace, in Case there be no Trial, be destroyed; and if any counterfeit OR DIMINISHED Money shall be produced in any Court of Justice in Evidence, or otherwise, the Judges shall cause such Monies to be cut in Pieces in Court, or in the Presence of some Justice of the Peace, and then to be delivered to such Persons to whom the same shall appertain.

And this Act shall be read in every Town, and District at their March Meeting Annually. Any Town and District Clerk neglecting to read the same shall forfeit twenty shillings, to the Use of the Poor of the Town or District where such Neglect happens."—*Ibid.*, *p.* 172.

The amendments proposed to this bill, were, to substitute, for the words which appear in the bill in italics, as follows: at (**H.**), "gold or silver coin"; at (**A.**), "gold coin of Spain or Portugal, or any gold or silver coin of France"; at (**D.**), "that upon a second conviction of any of the offences aforesaid, or upon an escape from the house of correction, after a first conviction of any of the offences aforesaid"; at (**E.**), "in the house of correction, any offender or offenders against said act or against this act"; at (**F.**), "his, her, or their, commitment"; at (**G.**), "other disability to labour"; the italicized words at (**B.**) and (**C.**), to be entirely stricken out. The words in small capitals appear to have been cancelled, in committee, before the bill was reported.

This bill was read in the Council a first time, Feb. 4th, and a second time, Feb. 10th; when it was passed to be engrossed, "as taken into a new draught," and sent down for concurrence. In the House it was read a first time, on the 11th, and a second and third time, on the 12th; when the House voted to concur in the bill, "as taken into a new draught by the House," and sent it up for concurrence. The Council passed it, in concurrence, to be engrossed, Feb. 17th, "with the amendments from A. to H.," and sent it down for concurrence The House, on the same day, concurred in all these amendments, except the one at (**A.**), and again sent the bill up for concurrence. The Council, on the next day, voted to concur; substituting for the proposed amendment at (**A.**), the words "any gold or silver coin"; and again sent the bill down for concurrence, to which the House agreed.

The bill passed to be enacted in the House, Feb. 23rd, but no record of its enactment by the Council has been found; though it appears the bill was laid before the Governor for his signature, which he withheld for reasons stated in his message printed in the note to 1762-63, chapter 9, *post*.

"Feb. 12, 1762. A Memorial of John Worthington of Springfield Esq^r Setting forth That having generally been appointed to Act as Attorney for the King in the Absence of the Attorney General, He hath been at great pains in bringing to Justice several persons concerned in counterfeiting the current coin of the Province, which hath been to his Loss as a Practitioner, and as he has been so successful as to discover two persons concerned in this iniquitous practice, by which means there has been money paid into the Public Treasury, Praying that his Services may be considered.

In the House of Representatives Read and Ordered That the sum of Ten pounds be paid out of the Public Treasury to John Worthington Esq^r as a reward for his Services as Attorney for the King at the several Assizes in the County of Hampshire in the trial of several Persons concerned together in counterfeiting the current coin of the Province—

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIV., p.* 234.

"Feb. 13, 1762. A Petition of Thomas Noble and Nathaniel Williams of Westfield in the County of Hampshire—Setting forth, That they were bound by Recognizance for the appearance of one William Crocker at the Superior Court in Springfield charged with counterfeiting the current coin of the Province, That the said William Crocker failed of his appearance and thereby his recognizance became forfeited, That he was afterwards apprehended tried and convicted of the Offence aforesaid and punished accordingly, And Praying that they may be relieved against the Penalty of their said Bond.

In the House of Representatives Read and Ordered That the Attorney General be directed to stay any further proceedings on the Recognizance abovementioned, Provided the Petitioners pay the Costs of prosecution thereon and Thirty pounds to the Province Treasurer.

In Council (11th) Read and Nonconcurred."—*Ibid.*, *p.* 258.

"Feb. 22, 1762. Thomas Clapp Esq^r from the House of Representatives came up

to the Board with a Message to propose the choosing of three persons to countersign the Treasurers Notes, by joint ballot of the two Houses at ten o'clock to morrow morning.

William Brattle Esq^r from the Board went down to the House of Representatives with a Message to acquaint them that the Board agreed to the foregoing Proposal."—*Ibid., p.* 282.

"Feb. 23, 1762. The two Houses, according to Agreement proceeded to the choice of three persons to countersign the Treasurers Notes, the Votes being counted and sorted it appeared that John Osborne, Royall Tyler, and John Phillips Esq^rs were unanimously chosen.

Consented to by the Governor

In the House of Representatives; Resolved, That in case of the death or Sickness of either of the Committee chosen to countersign the Treasurers Notes agreeable to the several Acts or Laws passed this Session of the General Court, the Governor and the Council be and hereby are in the recess of the General Court impowered to appoint one or more in their room and stead as the case may require, And He or they so appointed shall continue until the further order of this Court. In Council Read and Concurred Consented to by the Governor .

In the House of Representatives Ordered That the Committee to be appointed to countersign the Treasurers Notes be paid for that Service as this Court shall hereafter order. In Council Read and Concurred."—*Ibid., p.* 283.

"Apr. 20, 1762. A Petition of John Rider of Chatham. Setting forth That on the 6^th of March one Thomas West of Chatham Gentleman did subtilly and falsely Publish and shew forth in Evidence to the Petitioner, one forged Receipt pretending the same to be true under the hand of Harrison Gray Esq^r Treasurer of this Province dated Boston February 26: 1762 for the sum of Eighty pounds, and induced the Petitioner to pay him the said Thomas West the sum of thirty seven pounds 8/3 on said forged Receipt, all which appears by the same Receipt now in the hands of Samuel Winthrop Esq^r Clerk of the Superior Court, and that at the Superior Court of Judicature &c^a held at Barnstable on the first Tuesday of May last an Indictment was found and process did Issue for the apprehending said West, but he having absconded nothing further is done upon the premisses, and so the Petitioner must loose said sum of thirty seven pounds 8/3 unless relieved. Praying a Reimbursement may be made him.

In the House of Representatives Ordered that the Prayer of the Petition be granted and that the sum of thirty seven pounds, eight shillings, be allowed and granted out of the Public Treasury to the Petitioner accordingly.—

In Council Read and Nonconcurred."—*Ibid., p.* 346.

"This Act [chapter 28,] may seem unnecessary as the former Act by ascertaining the rates of particular pieces of gold and silver coin must be supposed by implication to make them a tender—But this was very necessary to quiet the disputes in the Province arising from the carrying away dollars to be transmitted to England being the best specie for that purpose If, as some contended, Dollars only was the Standard of lawful money, gold would have depreciated: but if the Standard of lawful money was founded only on a proportion to sterling as 4:3, as seems evident to me both from Queen Ann's Act and the above recited Act, then the demand for silver would not depreciate gold. This Act has had all the good effects expected from it, it has quieted all the disputes about particular Coins and has fixed the standard of lawful money by a proportion with sterling and is in my opinion not a new Law — but only declaratory of an old one whose meaning seemed to be plain enough before, though it might not be free from the doubts of legal Interpreters.

* * * * * *

This Act [chapter 29,] was occasioned by a discovery of divers forgeries of the Treasurers Notes which were indeed too little guarded against such frauds. By this Act there are so many Checks contrived for the New Notes as render the counterfeiting them almost impracticable. Another advantage from this Act will be that the outstanding Notes of the Treasury will be quite ascertained and the whole of the forgeries discovered within a certain time. But this is not all. The former Treasurers Notes were payable only in dollars or silver at 6/8^d an ounce (near 3^d less than dollar silver) As Dollars were leaving the Province and silver already undervalued, in comparison with dollars, advancing in real value greatly above the rate of dollars, the Province would have suffered very much if it had been obliged to make its payments in the tenor of its bills. It was therefore a very timely prudence to change the tenor of the Bills and make them payable in gold and silver indiscriminately The Credit of the Treasurers Notes (which is above par) made this very practicable and now there is no distinction between Silver Notes and Gold and Silver Notes, no more than there is between gold and silver money.

The following Acts for supplying the Treasury differ only from others preceding them in the regulations before mentioned But I must not omit observing to Your Lordship the extraordinary credit and good state of the Finances of this Province Besides the advantage of a gold & silver currency in which it is almost singular on this Continent and in which the Treasurers Notes the only Government securities, bear little or no part, All the debts of the Province are provided to be sunk in June 1765, tho' indeed it will be necessary to alleviate the burthens of the years immediately ensuing by providing for some part of the payments by allocations at a year or two further distant, even supposing that the extraordinary expenses of the War should end with this Year."—*Gov. Bernard to Lords of Trade, April.* 12, 1762: "*Mass. Bay, B. T.,*" *vol.* 78. *L. l.*, 33, *in Public-Record Office.*

"The currency of Massachusetts Bay had been under as good regulation as possible, from the time that paper had been exchanged for silver, which was made the

standard at 6s. 8d. the ounce. Gold was not a lawful tender, but passed current at fixed rates, a guinea at 28s., a moidore at 36s., &c., being nearly the same proportion that gold bore to silver in Europe at the time when the paper-money was exchanged. Silver bullion, for a year or two past, had advanced in price, in England, from 5s. 3d. to 5s. 7d. an ounce. A greater proportion of silver than of gold had been exported, and people, who observed the scarcity of silver, were alarmed. A bill was brought into the house of representatives and passed, making gold a lawful tender at the rates at which the several coins had been current for many years past.

The bill was non-concurred in council, and a conference ensued * between the two houses, the lieutenant-governor being at the head of the managers for the council, and Mr. Otis of those for the house.

The only argument on the part of the house was the danger of oppression upon debtors, by their being obliged to procure silver at disadvantage.

On the part of the council, it was said, that the proportion between silver and gold was different at different times; that one only ought to be the standard, and the other considered as merchandise; that, silver being made the standard in the province, it behoved government rather to reduce the rate at which gold coin should pass, so as to make the proportion between gold and silver the same in the province as in Europe; that, in such case, there would be the same profit upon exporting gold as silver; but as one metal was made the standard and the only lawful tender, it was not advisable for government to regulate the other, but to leave it to take its chance; and that there was no other way of securing the currency from depreciation.

The house was much engaged to carry the bill through, but the council stood firm and rejected it. †

There seems to be no reason for engaging men more on one side the question than the other, in this dispute, only as one side might appear to them more just and reasonable than the other; but the lieutenant-governor having taken one side of the question, Mr. Otis took the other; and the court and country parties took one side and the other with much of the same spirit, as if it had been a controversy between privilege and prerogative."—*Hutchinson's Hist. Mass. Bay, vol. 3, p. 98.*

Chap. 30. "Nov. 18, 1761. A Petition of Timothy Walker and Others Assessors of the first Precinct in Rehoboth—Setting forth—That they have been in the practice of calling their Precinct Meetings by posting up Notifications at the Meeting House instead of directing a Warrant to the Constable for that purpose; and that at their meetings thus warned, they have transacted matters of great importance, such as settling a Minister and providing for his support, and Ordering the Sale of some Parsonage Lands, and also remitting the Taxes of some of the late Inhabitants of Barrington, now set off to said first Precinct of Rehoboth, that so the Minister of Barrington may still receive the benefit of the said Inhabitants Taxes. And as some of their doings have lately been called in Question by reason of their Meetings being warned as aforesaid—Praying that the same may be confirmed.

In Council Read and Ordered That William Brattle Esq^r with such as the honourable House shall join be a Committee to take this Petition under consideration and report. In the House of Representatives Read and Concurred and Col^o Prescot and M^r Belcher are joined in the Affair."—*Council Records, vol. XXIV., p. 112.*

"Nov. 20, 1761. The Committee appointed the 18^th Instant on the Petition of Timothy Walker and Others Assessors of the first Precinct of Rehoboth reported according to order.

In Council Read and Accepted, And thereupon Ordered That the several Votes, Acts and Doings of the first Parish in Rehoboth since they have been made one be and hereby are ratified and confirmed to all intents and purposes whatsoever as fully and amply as if the several Meetings called by the Parish Committee had been strictly conformable to Law, And that the Assessors of said first Parish in Rehoboth be and hereby are impowered to Assess the Inhabitants thereof from time to time annually so much more than the Ministers Salary in Rehoboth is or may be as it shall fall short by reason of the money arising upon the Taxes laid upon the Inhabitants and the Lands in that part of Rehoboth which was formerly Barrington, but by the running of the Province and Colony line fell to this Government shall amount to, and is paid to the Rev^d M^r Townsend of Barrington or that hereafter may be paid to his Successors in the Ministry there, and the Collectors of said first Parish in Rehoboth are hereby impowered and directed from time to time to collect and pay in the same. And that every Assessment heretofore made by said Parish for the purpose aforesaid is hereby ratified and confirmed. In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid., p. 117.*

See, also, chapter 6, *ante*, and note.

Chap. 32. "I have lately received Advices from the Western Frontiers that a considerable Number of Indians, are come into Stockbridge &, are disposed to settle in this Province to have their Children educated among the English & instructed in the Principles of the Christian Religion. This is an Affair of great Importance; And I am very desirous that this Temper & Disposition in them should be cherished & cultivated; And I recommend it to you immediately to consider

* Hutchinson's memory, here, appears to have been at fault. There is no record of any other conference, than that of Nov. 27, 1761, on the bill for the better securing the possessors of the province treasurer's notes, [No. 4] above printed. —EDS.

† In a session of the assembly, some time after, this bill passed into an act, and gold as well as silver was made a lawful tender.—*Note, by Hutchinson.*

& determine what is necessary to be done by you for this Purpose."—*Extract from Lieut.-Gov. Phips's speech to both Houses, Oct. 2, 1751: Council Records, vol. XIX., p. 387.*

"Oct. 9, 1751. Jacob Wendell Esq^r from the Committee of both Houses on the Affair of the Mohawks &c. settling in this Province gave in the following Report, viz^t

The Committee appointed to take under Consideration that Paragraph of His Honour's Speech respecting the Western Tribes of Indians &c. together with the Report of the Committee respecting that Affair, report as their Opinion.

That a Committee be appointed to contract for a Quantity of Land, of the Contents of about three Miles square including the Hop Lands, lying within the Township of Sheffield & agree for an Equivalent in Province Lands, or otherwise as they shall Judge best: —— That there be two Schools built at the Charge of the Government, wherein the Indian Children may be instructed, one for the Boys, & another for the Girls, that the House built for the Boarding School be finished; In which the Master of the Boys School may live together with the Boys under his Care, It being expected that the Girls will be boarded at M^rs Sargeant's in Case she undertakes to keep the School: — That the maintenance of the Indian Children in said School, both as to Cloathing & Dieting be at the Expence of the Government, except so far as is provided for by M^r Hollis, or by the Corporation for propagating the Gospel: —

That there be two English Youths put into the Boys School in order to learn the Indian Tongue, that so they may be qualified for future Service to the Government among the Indians to be boarded at the Expence of the Government; — That M^rs Ashley be retained as an Interpreter, who, together with her Husband may also be employed in the necessary Services of the Family; And that there be an expert & industrious Man procured to Manage the Husbandry on the School Lands, & instruct the Youths therein, & that proper Utensils therefor be provided.

That Provision be made for the Subsistence of the Mohawk Families together with what they may be able to supply themselves with by Hunting until they shall be able to raise something upon the Lands to subsist themselves: — That a Letter be wrote to the Government of Connecticutt, informing them of the Measures taken by this Government for securing the Six Nations to the British Interest, as well as for their Instruction; And that We hope & expect they will Join in them & contribute towards the Expence.

That this Court do agree to the Proposals of Sir Peter Warren of Appropriating the Sum of Seven hundred Pounds Sterling in his hands for the Education of the Mohawk Children & that he be immediately advised thereof, & desired to transmit the same, & that it be let out at Interest; & the Interest be applied to the Purposes aforesaid.

That a Letter be wrote to M^r Hollis of London (who has employed Cpt. Kellog to support & educate a number of Indian Children at his Expence, that he be informed of measures taken by this Government for the like Purposes, & desired to appoint one or more Trustees for the Management of his Charity, to act in concert with such Persons as may be appointed by the Government in carrying on said Design. And

That a Committee be accordingly appointed by this Court to carry into Execution the foregoing Design, that they be impowered to receive such Donations from Time to Time as may or shall be offered for the Encouragement & Support of said School: That they have the Inspection & Regulation of the same, & the management of all the Prudentials thereof, subject to such Directions & Instructions, as they shall receive from this Court from time to time: said Committee to be accountable & to be rewarded for their Service

JACOB WENDELL ℔' order.

In the House of Represent^ves Read & Accepted.

In Council; Read & Concur'd——Consented to by the Lieu^t. Govern^r."—*Ibid., pp. 395, 396.*

"May 29, 1761. In the House of Representatives Ordered That Col^o Partridge M^r Higginson and M^r Foster with such as the honourable Board shall join be a Committee to project some method for the redemption of Persons that belong to this Province now in the hands of the French and Indians. Also to consider what may be proper to be done by this Government to encourage the propagation of the Gospel among the aboriginal natives of the Land; and make report. In Council Read and Concurred and Benjamin Lynde and John Choate Esq^rs are joined in the Affair."—*Ibid., vol. XXIV., p. 9.*

"June 26, 1761. And Also That his Excellency the Governor be desired to write Sir William Johnson acquainting him with the proposal of this Government to have an Interview with the said Indians and make 'em a present, and desire Sir William to inform said Indians thereof, and also inform his Excellency what time and place he judges most suitable to meet the said Indians, and propose to their consideration whether it would not be agreeable to them that some further measures be taken in order to propagate the knowledge of the Christian Religion among their Tribes."—*Extract from the report of a committee appointed to consider the services of the Six Nations: ibid., p. 69.*

"Nov. 14, 1761. A Petition of Eleazer Wheelock of Lebanon in the Colony of Connecticutt, Clerk—Setting forth—That he hath for many Years past had under his care and instruction a number of Indian Youth some of whom have since proved usefull: That He is now about to enlarge his Plan by taking into his School some of the Children of the Indians of the Six Nations: that He hath no settled Fund for carrying this design into execution, but being inform'd that this Government hath appropriated the Interest of certain moneys received from Lady Warren for the

purpose of Educating such Indian Children; and that there is not at present, nor hath been since the receipt of said money any Indian Youth upon the Foundation within this Province. And Praying That he may be allowed to receive the interest of said money for the purpose aforesaid, He to be accountable.

In Council Read and Ordered That Andrew Oliver and Thomas Hubbard Esq^rs with such as the honorable House shall join be a Committee to take this Petition under consideration and report. In the House of Representatives Read and Concurred and Col^o Clapp and M^r Bradbury are joined in the Affair."—*Ibid., p.* 104.

"Nov. 23, 1761. The Committee appointed the 18th Instant on the Petition of the Rev^d M^r Eleazer Wheelock reported according to order upon which the following Vote passed viz^t

In the House of Representatives. The within Report being read, thereupon Voted That the Rev^d M^r Wheelock the Petitioner be allowed to take under his care for one Year six Indian Children of the Six Nations for Education, boarding and cloathing, and that he be allowed for that purpose for said Children or for so many of them as he shall receive under his care at the rate of twelve pounds ℔ Annum each for one Year out of the interest of Sir Peter Warrens donations, he the said Wheelock laying before this Government an account of his disbursment on said Children, and of the improvements they may have made at the end of the Year when he shall apply for payment. In Council Read and Concurred. Consented to by the Governor."—*Ibid, p.* 126.

"In November 1761, the Great and General Court or Assembly of the Province of *Massachusetts-Bay*, voted, That I should be allowed to take under my Care six Children of the *Six Nations*, for Education, Clothing and Boarding, and be allowed for that Purpose, for each of said Children, 12l. per Annum for one Year, which Boys I have obtained and they have been for some Time in this School."—*Wheelock's "Plain and Faithful Narrative," Boston:* 1763, *p.* 40.

Besides the above, Wheelock acknowledges to have received from the Province of Massachusetts, between Nov. 27, 1762, and Nov. 27, 1763, the sum of £56 14s., and, in the three following years, £81, £27, and £54, respectively, sterling money.

"Jan. 20, 1762. A Memorial of Andrew Oliver Esq^r and a great number of Others Inhabitants of the Province—Setting forth—That the signal Success of his Majesty's Arms in North America calling for our grateful Acknowledgments to Almighty God, and the Subjection of Canada affording a favourable opertunity to spread the knowledge of the Protestant Religion among the Indians, a large sum has been subscribed, and that they apprehend it would be so much increased in a short time by other Subscriptions, that the Profits of it would be sufficient to effect some Real Service in promoting Christian knowledge, if a Society was erected with corporate powers for this purpose.

And Praying for an Act of Incorporation vesting the Petitioners with such others as they from time to time shall elect with all the Powers necessary for the purpose aforesaid.

In Council Read and Ordered That the Prayer of the Petition be so far granted as that the Petitioners have liberty to bring in a Bill for the purposes therein mentioned. In the House of Representatives Read and Concurred."—*Council Records, vol. XXIV., p.* 184.

"The Professt design of this Act would have made it very difficult for me to have refused my consent to it if it had been more exceptionable than it really is. But I had no other exception than that it afforded a caution that if all incorporations were done by Acts of Assembly, it would tend in time, to a prescription against the King's right to grant Charters of incorporation. The danger is not at hand at present, as this is the second Act of the kind ever known, An Act for incorporating the Marine Society being the first. I don't reckon within this rule the Acts for enabling Parishes to put out Trust Money for their Church &c (which are frequent) because they are private, for a particular purpose and contain no greater powers than parishes have by general Law But it seems to me that before another Act of this kind is tender'd it would be proper to provide for the support of the King's right to incorporate by Charter: especially as this right has been denied by some people both in the agitation of this business and upon another occasion which was as follows:—

Some Gentlemen at the Western Extremity of this Province projected a Scheme for founding a College and brought in a Bill for that purpose which passed the House and was rejected by the Council The reasons given by the Council for rejecting it were that the College was to be vested with University powers: that the Province could not support two Universities they would interfere with one another. The Gentlemen then applied to me for a Charter under the Province Seal and they agreeing to drop the powers excepted to, I ordered a Charter to be made out which giving no other powers but to hold Lands and Money and sue and be sued I thought must be unexceptionable. Nevertheless this would not do: a great Cry was made against this Charter upon two points—that it would be detrimental to the old College, that it would be injurious to the rights of the people. I had given so many proofs of my regard for the old College that there was no pretence to suspect me of a design to hurt it; and there was as little room to presume an injury to the rights of the people, for as the granting Charters is a right belonging to the King's Seal and the Charter of the Province is entirely silent about it, it certainly belongs to the King's Seal within this Province in the same manner as it does in other Royal Provinces.

Nevertheless as the prosecution of this Affair was no ways an intrest of my Office and it might have impeded affairs of greater consequence, I put a stop to the Charter, still insisting on the King's right of granting Charters, tho' I did not think proper to persist in perfecting this particular one: Upon which the whole dispute

immediately subsided. It however persuaded me that it would be necessary to guard against the King's right being impeached by an usage of granting incorporations by Act only, which I humbly submit to Your Lordships consideration."—*Gov. Bernard to Lords of Trade: April* 12, 1762. "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 33, *in Public Record Office.*

"Jan. 21, 1763. The Memorials of the Revd Mr Eleazer Wheelock of Lebanon in the Colony of Connecticut, and of James Bowdoin Esqr and Others a Comtee appointed by the Society for the propagating of Christian Knowledge among the Indians of North America relating to the disposition of the Interest of the money granted by the late Sir Peter Warren for the education of the Youth of the Six Indian Nations, being laid before the Court—

In the House of Representatives; Read and Ordered That Mr Bradbury Mr Foster of Plymouth, and Colo Williams of Roxbury with such as the honorable Board shall join be a Committee to take these Memorials under consideration and make report.—In Council Read and Concurred and Benjamin Lincoln and James Otis Esqrs are joined in the Affair."—*Council Records, vol. XXIV., p.* 510.

"That the Act *for incorporating a Society for propagating Christian Knowledge amongst the Indians of North America,* should be taken into consideration on Friday next the 4th Febry and that the Agent for the Colony should have notice to attend. SANDYS."—*Minutes of the Board of Trade, Jan.* 28, 1763: "*Trade Papers,*" *vol.* 65, *p.* 32.

"Ordered that the consideration of the Act passed in Massachusetts Bay in 1761 *for incorporating a Society for propagating Christian Knowledge amongst the Indians of North America* be postponed. SANDYS."—*Minutes of the Board of Trade, Feb.* 4, 1763: *ibid., p.* 51.

"Feb. 3, 1763. The Committee on the Petition of James Bowdoin Esqr and the Revd Mr Wheelock respecting the Interest of Sr Peter Warrens Donation made report. (Signed) BENJA LINCOLN &c order. In Council Read and sent down."—*Council Records, vol. XXIV., p.* 548.

"Feb. 16, 1763. A Petition of Joseph Dwight of Great Barrington—Setting forth That in the Year 1751 the General Court ordered a number of Mohawk Children to be taken into a School at Stockbridge and instructed at the expence of this Government (together with a number of Boys then maintained at the expence of Mr Isaac Hollis) except so far as was provided for by Mr Hollis or by the Corporation for propagating the Gospel upon which Order of the Government a Committee was appointed, of which the Petitioner was one who was constantly in the business and expended to the Amount of £120——Sterling over and above what he has ever received, an Account whereof he exhibited to the Court in January 1754 for Allowance; but no Allowance being then made him, he applyed to Mr Martyn Kellog—Executor to Mr Martyn Kellog Agent to said Mr Hollis, who had assured him of payment from Mr Hollis; whereupon the said Executor drew his Bills upon him for the said Amount, which were returned protested with charge. And Praying an Allowance therefor, and for the Interest of the same for eight years. And further, Setting forth, That in the Year 1754 in consideration of his personal Service in caring and providing for a number of Mohawk Families invited by this Government to Stockbridge, the Court made him a Grant of 3 Rights of Land in a Township between Northampton and Pontoosuck, which land was not reserved when that Township was sold by order of Court in June last, And Praying for an Equivalent

In the House of Representatives; Read and Resolved That there be allowed and paid out of the Public Treasury, out of the Interest of the money given by Sir Peter Warren for pious and charitable uses, to the Petitioner Joseph Dwight Esqr the sum of One hundred and sixty pounds in full for his Services mentioned in said Petition.

And further Resolved That there be granted to the said Joseph Dwight One Thousand Acres of Land to be laid out in two parcels, if he see cause; he to return a plan thereof within one Year from this time: Provided he release to the Province all right and title in the three Rights of Land mentioned in the Petition.—In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 589.

"Their Lordships took into consideration an Act passed in the Province of Massachusetts Bay in Febry 1762, *to incorporate certain persons by the name of the Society for propagating Christian Knowledge among the Indians of North America,* and the said Act appearing liable to several Objections, it was ordered that the Draught of a Representation to His Majesty be prepared proposing it may be repealed.

* * * * C. TOWNSHEND."—*Minutes of the Board of Trade, March* 15, 1763: "*Trade Papers,*" *vol.* 65, *p.* 86.

"At the Court at St James's, the 20th day of May 1763. * *

Whereas by Commission under the Great Seal of Great Britain, the Governor, Council, and Assembly of the Province of the Massachusets Bay in New England in America, are authorized and empowered to constitute and ordain Laws, which are to continue and be in Force, unless His Majestys Pleasure be signified to the contrary—And Whereas in Pursuance of the said Commission a Law was passed in the said Province in February 1762, Entituled as follows—Viz[t]

'An Act to incorporate certain Persons by the Name of the Society for propa-
'gating Christian Knowledge among the Indians of North America.—Which said Law having been under the Consideration of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of His Majestys most Honourable Privy Council, The said Lords of the Committee this day presented the said Law to His Majesty at this Board with their Opinion that the same ought to be repealed—His Majesty taking the same into Consideration, was pleased, with the Advice of His Privy Council, to declare His Disallowance of the said Law; And Pursuant to His Majestys Royal Pleasure thereupon expressed, the said Law

is hereby repealed, declared Void, and of none Effect—Whereof the Governor, or Commander in Chief, of the said Province for the time being, and all others whom it may concern, are to take Notice and govern themselves accordingly.—

W: BLAIR."—*Order in Privy Council: Mass Archives, vol.* 14, *p.* 345.

"June 14, 1764. In the House of Representatives Whereas the Great & General Court in November 1761 in compliance with the request of the Revd Mr Eleazer Wheelock of Lebanon did desire him to procure six Indian Boys of the Six Nations of the Mohawk Indians to be educated in the Indian Charity School under his care, he to instruct, subsist and cloath them, the Cost of which was to be paid out of the Income of Sir Peter Warren's charitable donation for that purpose; which Boys were obtained, educated, subsisted and cloathed by said Mr Wheelock, and the Account of the Charge given to, and paid by the General Court out of the said Donation; and in the month of June 1762, the General Court resolved That the sum of Twelve pounds be further granted to the said Mr Wheelock for subsisting & educating said six Indian Boys out of the said Donation from the 27 Novembr 1762 to 27 Novemr 1763, and it appearing that five of said Boys are still supported and educated by said Mr Wheelock, the charge of which amounts to more than the Allowance granted. Resolved That the Sum of Seventy two pounds be allowed and paid to the Revd Mr Wheelock for subsisting and instructing the said five Indian Boys from the 27 November 1763 to 27th November 1764, provided that the said five Boys continue under his care till that time, provided also he subsists and educates in his School the Indian named Joseph, one of the Six that went out as an Interpreter, all the time that he may continue with him upon his return from this time to the said 27th of November 1764, the whole to be paid out of the Income of said Sir Peter Warren's Donation, the one half of said Sum to be paid to the said Mr Wheelock now, the other half on the said 27 Novem. 1764, he rendring an Account to this Court for their Allowance.—In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXV., p.* 266.

"June 13, 1765. A Petition of the Revd Mr Eleazer Wheelock of Lebanon—setting forth—That he hath so far instructed the six Mohawk Indian Boys in his School, whom this Government had taken under their patronage as that they are now qualified to Teach School among their own Nation, and it is now thought proper that they should return home for a season, and be imployed in that business under the Conduct and direction of several Missionaries who are appointed to go among the six Nations. That he is encouraged by Sir Wm Johnson to expect some more of the youth. And praying that he may be allowed now to receive the Interest of Sr Peter Warren's Donation for the last half year, and that the Court would continue this allowance to him for the Cloathing these youths that are now going and for supporting them in their absence; and towards the supporting & instructing three more that will be left still under his care.

In the House of Representatives. Resolved That there be paid to the Revd Mr Eleazer Wheelock the Sum of Forty two pounds for the Boarding and Educating the Indian Boys in his Petition mentioned for Seven Months ending the 27th day of June current. And that the further Sum of Thirty pounds be paid to the said Mr Wheelock in order to Cloath said Indian Boys for their decent return to their friends, and both Sums to be paid out of the Interest of Sir Peter Warren's Donation; and that the Application of such Interest to the maintenance of Indian Boys in the Colony of Connecticut discontinue and cease.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid., vol. XXVI., p.* 23.

Chap. 33. "Nov. 20, 1761. A Petition of James Athearne and Jonathan Allen Agents for the Towns of Tisbury and Chilmark—Setting forth—That the first Settlements of the English on Martha's Vineyard were at the East end of the Island, and Edgartown was accordingly made the Shire Town, where the County Courts have been held ever since; but that the greater part of the Inhabitants are now settled in the Towns of Tisbury and Chilmark at the West end of the said Island And as it will not only best accomodate the Inhabitants of Martha's Vineyard, but those also of the Elisabeth Islands and of Nomans Land to have the County Courts held at the West end of the Island of Martha's Vineyard, Praying that Tisbury may be made the Shire Town, and the County Courts held there for the future accordingly—

In Council Read and Ordered That the Petitioners serve the Town of Edgartown with a copy of this Petition that they shew cause (if any they have) on the second Thursday of the next Sitting of this Court why the Prayer thereof should not be granted. In the House of Representatives Read and Concurred."—*Council Records, vol. XXIV., p.* 117.

"Jan. 22, 1762. A Petition of James Athearn and Jonathan Allen of Martha's Vineyard, Praying as entered 20th November last, That the Inferior Court of Common Pleas &c[a] may for the future be held in Tisbury, and that it may be made the Shire Town of Dukes County for the reasons therein mentioned.

In Council Read again together with the Answer of the Town of Edgartown and Ordered That Benjamin Lynde and John Cushing Esqrs with such as the honourable House shall join be a Committee to take the same under consideration hear the Parties and report.

In the House of Representatives Read and Concurred and Mr Tyler, Capt Livermore and Capt Richardson are joined in the Affair."—*Ibid., p.* 191.

"Feb. 6, 1762. On the Petition of James Athearn and Jonathan Allen as entered the 22d of January.

In Council Ordered That John Choate Esqr be of the Committee on this Petition in the room of Benjamin Lynde Esqr who is absent.

In the House of Representatives Read and Concurred."—*Ibid.*, *p.* 233.

"Feb. 9, 1762. The following Report was made and acted upon viz^{t}

The Committee to whom was referred the Petition of the Agents of the Towns of Tisbury and Chilmark with the Answer thereto and fully heard the Parties are of opinion that the Prayer be so far granted, as that the Court of General Sessions of the Peace and Inferior Court of Common Pleas which by Law is to be held at Edgartown within and for said County of Dukes County on the last Tuesday of October annually, instead thereof for the future shall be held and kept at Tisbury within and for said County of Dukes County annually on the last Tuesday of October, And that the Petitioners have leave to bring in a Bill accordingly.

(Signed) JN^{o} CUSHING $\mathfrak{P}^{r}$ order

In Council Read and Accepted In the House of Representatives Read and Concurred."—*Ibid.*, *p.* 241.

Chap. 34. "Feb. 11, 1762. In the House of Representatives; Whereas the Court of General Sessions of the Peace and Inferior Court of Common Pleas for the County of Hampshire which by Law is appointed to be held at Northampton on the second Tuesday of February current by order of this Court stands adjourned to the last Tuesday of said February: And Whereas several of the Justices of said Court are now attending this Court and probably will be detained upon the business of the Government: Therefore Ordered, That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas which by order of this Court stand adjourned to the last Tuesday of February current be further adjourned to the third Tuesday of March next, and then to be holden at Northampton in said County at ten of the clock in the forenoon of the same day: And all Pleas, Writs, Actions, Suits, Plaints, Processes, Precepts, recognizances and other matters whatever returnable or having day at said Court shall stand, abide and continue unto the said third Tuesday of March, and shall then have day, be heard and tried and proceeded in by said Courts respectively at said Northampton, and shall be deemed and held as good, effectual and available in Law to all intents and purposes whatsoever as if the said Courts had been held and kept at the time and place by Law provided for holding the same and no adjournment thereof had been made. In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIV.*, *p.* 251.

Chap. 36. "March 27, 1761. A Petition of Donald Cummings and others Inhabitants of the Town of Biddeford in the County of York—setting forth that since the Division of the County of York, it would be more Convenient that some of the County Courts should be held elsewhere, and Praying that such for the future be held at Biddeford,

In Council Read and Ordered that Samuel Danforth and Ezekiel Cheever Esq^{rs} be a Committee with as the hon^{ble} House shall join to take this Petition under consideration and report. In the House of Representatives read and concurred and Ordered that Major Cushing M^{r} Powell and M^{r} Bowers be joined in the Affair."—*Council Records, vol. XXIII.*, *p.* 667.

"April 15, 1761. The Committee appointed the 27th March last on the Petition of a Number of the Inhabitants of the Town of Biddeford, Praying That the Court of General Sessions of the Peace and Inferior Court of Common Pleas which has heretofore been held at Falmouth on the first Tuesday of October annually may hereafter be held at Biddeford Reported that the Prayer of said Petition be granted, and that the Petitioners have leave to bring in a Bill accordingly.

(Signed) S: DANFORTH $\mathfrak{P}^{r}$ order.

In Council Read and Accepted In the House of Representatives; Read and Nonconcurred and Ordered that the further consideration of this Report be referred to next May Session and that the Petitioners serve the several Towns in the County of York with a Copy of said Petition by inserting the substance thereof in one of the Public News Prints, that they give Answer the second Tuesday of next May Session (if they see Cause) why the Prayer thereof should not be granted—In Council Read and Concurred."—*Ibid.*, *p.* 731.

"June 11, 1761. A Petition of Donald Cummings & others, Inhabitants of Biddeford in the County of York—Praying that one Inferior Court in a Year may be held in said Town, as entered 15th April last.

In Council Read again together with the Answer of a great number of Persons, Inhabitants of divers Towns in the County of York, And Ordered That Benjamin Lincoln and Thomas Flucker Esq^{rs} with such as the honourable House shall join be a Committee to take the same under consideration and report. In the House of Representatives Read and Concurred and Maj^{r} Hartwell, Col^{o} Prescot and M^{r} Lancaster are joined in the Affair.—*Ibid.*, *vol. XXIV.*, *p.* 33.

"June 13, 1761. The following Report of a Committee was made to the two Houses viz^{t}—

The Committee to whom was referred the Petition of the Town of Biddeford and the several Answers thereto beg leave to report that having examined the former orders of this Court, they find the Towns were to be notified by inserting the substance of the Petition in one of the public Prints, the answers to which the Committee observe are not from the several Towns considered as such, but from Individuals in the same; and as the Members of the said Towns are most of them returned home, the Committee are of opinion that the consideration of this Affair be referred to the second Tuesday of the next Session of this Court, and that the several Towns be further notified by the Town Clerk, of Biddeford; and that by inserting the substance of the said Petition in a notification in writing posted up in the most public place in the several Towns within the said County.

(Signed) BEN^{a} LINCOLN $\mathfrak{P}^{r}$ order.

In Council Read and Accepted. And Ordered That the Town Clerk of Biddeford be directed to notify the several Towns in the County of York of the Petition of said Town for establishing one of the County Courts therein. by inserting the substance of said Petition together with this order in a notification in writing to be posted up in the most public place in each Town, that they shew cause if any they have on the second Tuesday of the next sitting of this Court why the Prayer thereof should not be granted. In the House of Representatives Read and Concurred."—*Ibid.*, *p.* 42.

"June 16, 1761. A Petition of a number of the Inhabitants of the Town of Wells—Praying That in consideration of the merits of said Town as a Barrier for many Years against the Enemy, and the convenience of the situation; the County Court which before the division of the County used to be held at Falmouth may for the future be held at Wells.

In the House of Representatives Read and Ordered That the Town Clerk of Wells be directed to notify the several Towns in the County of York of the Petition of said Town by * establishing one or more of the County Courts therein by inserting the substance of said Petition together with this order in a notification in writing to be posted up in the most public place in each Town, that they shew cause, if any they have on the second Tuesday of the next Sitting of this Court, why the Prayer thereof should not be granted. In Council Read and Concurred."—*Ibid.*, *p.* 46.

"Feb. 10, 1762. A Petition of a number of the Inhabitants of the Town of Wells, Praying that one or more of the County Courts may be held in the said Town, as entered the 16th of June last.

In Council Ordered That this Petition be revived And that John Cushing and Gamaliel Bradford Esqrs with such as the honourable House shall join be a Committee to take the Petition and Answers under consideration and report. In the House of Representatives Read and Concurred and Capt Howard, Mr Brown of Newbury and Mr Phillips of Andover are joined in the Affair."—*Ibid.*, *p.* 247.

"Feb. 11, 1762. In Council Ordered That the Petition of the Town of Biddeford be revived and that John Cushing and Gamaliel Bradford Esqrs with such as the honourable House shall join be a Committee to take this Petition and Answer under consideration and report. In the House of Representatives Read and Concurred and Capt Howard, Mr Brown of Newbury and Mr Phillips of Andover are joined in the Affair."—*Ibid.*, *p.* 253.

"Feb. 18, 1762. The Committee appointed the 11th Instant on the Petition of the Town of Biddeford made report, (Signed) JNO CUSHING ℔ order.

In Council Read and Accepted, And Resolved That the Petitioners Inhabitants of the Town of Biddeford have liberty to bring in a Bill for establishing the holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas on the first Tuesday in October Yearly in Bideford; which before the division of the County of York was established to be held at Falmouth: And that the Petition of the Town of Wells be dismissed.

In the House of Representatives Read and Concurred."—*Ibid.*, *p.* 270.

Chap. 39. "Feb. 18, 1762. An engrossed Bill intituled 'An Act for granting several Bounties upon Wheat and Flour, having passed the House of Representatives to be Enacted.

In Council Read a third time and the Question put, whether this Bill pass to be Enacted? It passed in the Negative.

Thomas Cushing Esqr from the House of Representatives came up to the Board with a Message to inquire if the Board had passed upon the engrossed Bill sent up from the House for granting several Bounties upon Wheat and Flour.

Benjamin Lincoln Esqr from the Board went down to the House to inform them that the Board had Nonconcur'd the said Bill.

In Council Ordered That Andrew Oliver, James Bowdoin and John Choate Esqrs with such as the honorable House shall join be a Committee to project some proper method for encourageing the raising of Wheat within this Province. In the House of Representatives Read and Unanimously Nonconcurred.

James Otis Esqr from the House came up to the Board with a Message to desire that the Bill for granting several Bounties upon Wheat and Flour might be sent down to the House.

John Choate Esqr from the Board went down to the House with the said Bill."—*Council Records, vol. XXIV., p.* 273.

"Feb. 20, 1762. A Bill intituled 'An Act for granting several Bounties upon Wheat and Flour,' having passed the House of Representatives to be Engrossed with divers Amendments upon the Bill first passed, In Council Read a first and second time and passed a concurrence to be Engrossed."—*Ibid.*, *p.* 276.

Chap. 42. See note to 1762-63, chapter 8, and 1765-66, chapter 23, *post*.

Chap. 43. See note to 1760-61, chapter 34, *ante*, and 1762-63, chapter 8, *post*.

Chap. 45. "Jan. 24, 1763. A Petition of Nathaniel Holman and Charles Baker Agents for the Town of Templeton, Setting forth their inability in this their Infant state to defrey the necessary Charges of the Town, pay their Ministers Salary and finish their Meeting House. And Praying that a tax of one peny half peny ℔ Acre be laid upon all the Lands in the Town for five Years successively in order to raise money for the purposes aforesaid—

In the House of Representatives; Read and Ordered That the Petitioners serve

* *Sic:* for.

the Proprietors of the Lands in the Town within mentioned with a copy of this Petition by inserting the substance thereof in two of the Boston News Papers three Weeks successively that so they shew cause if any they have on the second Thursday of the next Session of this Court why the Prayer thereof should not be granted. In Council Read and Concurred."—*Council Records, vol. XXIV., p.* 514.

"June 10, 1763. Upon the Petition of the Town of Templeton as entered the 24th of January last, the following Order passed the Court viz^{t} In the House of Representatives Read and Revived. And Ordered that a Tax of one peny ½^{d} acre be imposed upon all the Lands in Templeton for Two Years for the purposes within mentioned. The First Year ending on the first day of Novem^{r} next: the second Year to commence from that time, and the assessors and constables or collectors in said Templeton are hereby respectively authorized and impowered to collect the same.

In Council Read and concurred Consented to by the Governor."—*Ibid., vol. XXV., p.* 51.

See, also, note to 1762-63, chapter 8, *post.*

Chap. 46. See note to 1762-63, chapter 8, *post.*

Chap. 47. "June 4, 1762. A Petition of John Chadwick and others a Committee of the Proprietors and Inhabitants of the Township heretofore called Number one lately in the County of Hampshire, now in the County of Berkshire, and made a Town by the name of Tyringham, Setting forth, That the said Proprietors before the Town was incorporated, did at sundry times make Grants of money for the Support of the Public Worship, and making Roads in said Place; but that there are certain delinquent Proprietors who think themselves freed from paying what they have been assessed, by the Act lately making them a Town, And Praying that they may be enabled to levy and collect the several sums heretofore granted by the Proprietors. Also praying that the said Town of Tyringham may be authorised to raise money to defrey the necessary charges that have arisen in said Township before it was incorporated, to be levied upon the Propriety agreeable to their former method of taxing. And further that such Proprietors as have neglected settling their Lands according to the tenor of the Grant may be compelled so to do, and that their Lands may be taxed in the meantime.

In the House of Representatives Resolved That the Inhabitants of the Town of Tyringham in the County of Berkshire lately the Proprietors of the Township called Number one in said County be and they hereby are impowered to levy and collect all such Taxes as have already been granted and ordered by said Proprietors and assessed on their Lands in the same manner as by Law they might; and that the proper officers for levying and collecting the same have use and exercise all the same Power in Levying and collecting thereof as they might, could or had by the Laws of this Province before their incorporation into a Town.—And that the Petitioners notify the Nonresident Proprietors of Lands in said Tyringham that they shew cause on the Second Wednesday of the next Session of this Court why their Lands should not be taxed towards defreying the necessary charges arising within the said Town until they settle the same and comply with the Original Grant of said Township by inserting the substance of this Resolve in all the Boston Public News Papers for three Weeks successively, thirty days at least before the said day. In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIV., p.* 403.

"Jan. 31, 1763. Timothy Woodbridge Esq^{r} from the House came up to the Board on a Message to desire that the Petition of the Inhabitants of Tyringham may be sent down to the House—

James Otis Esq^{r} from the Board went down to the House with the said Petition."—*Ibid., p.* 537.

"Feb. 1, 1763. A Petition of a Committee of the Town and Proprietors of Tyringham, Praying that they may be enabled to levy and collect money for building a Meeting House and for Support of the Minister as entered 4 June last.

In the House of Representatives Read and Ordered That this Petition be revived and thereupon Ordered That the Petitioner serve the Nonresident Proprietors of Lands in said Tyringham in one of the Boston News Papers three weeks successively, that so they shew cause, if any they have, on the second Wednesday of the next May Session why the Prayer thereof should not be granted. In Council Read and Concurred."—*Ibid., p.* 540.

See note to 1760-61, chapter 34, *ante,* and 1762-63, chapter 8, *post.*

Chap. 48. In his zeal to hasten the revocation of the order stopping the payment of the 1759 money until a balance, appearing to be due from the province in the accounts of the Earl of Kinnoul, was adjusted, Mr. Bollan, upon the calculation, and showing of the books, of Messrs. Hanbury and Thomlinson, contractors for remitting money for the army, and without waiting for further evidence, admitted that the colonies had been overpaid by the contractors, and consented, as the condition of his receiving the province's share of the grant, that £735, 16s. 10d., estimated to be the province's share of this debt, should be deducted. No such debt was actually due; but it was inferred from a fictitious entry in the accounts of Mr. Apthorp, the contractors' agent in America, who had since died. This entry, it appears, was made in order to reconcile Mr. Apthorp's accounts with those of his principals, there being a difference in their accounts, of twopence per dollar, in reducing to the British denomination the money which had been shipped in dollars. Though the necessities of the province at that critical juncture seem to have justified Gov. Shirley in assuming the risk of lending government money, in 1756 (see 1755-56,

chap. 27, note, and 1759-60, chap. 16, note), still, it would seem that had the transactions relating to the loan and its repayment been through the regular channels, and upon proper vouchers, all misunderstanding and delay might have been avoided.

In dealing with a case so out of the usual course, it is difficult to see how Mr. Bollan could have acted differently, in the interests of the province, and upon the only evidence that was immediately available. Nevertheless, it appears that this misunderstanding, added to the objections previously urged against him, was sufficient to defeat his re-election; and, accordingly, on the 23d of April, 1762, Mr. Jasper Mauduit was chosen to succeed him.

Richard Jackson, Junior, appointed as his substitute, to receive the money, was also recommended to Mr. Mauduit as a person proper to be consulted by him on all matters of law.

"**April 23, 1762. Royall Tyler Esq^r^ from the House came up with a Message to the Board to acquaint them that the House had agreed to come to the choice of an Agent at 3 o'clock in the Afternoon and to desire the Board would join with them in said choice.**

William Brattle Esq^r^ from the Board went down to the House of Representatives to inform them the Board agree to said proposal, and desire it may be understood that whoever shall be chosen Agent, shall have some person joined with him in receiving and remitting the Parliamentary Grant."—*Council Records, vol. XXIV., p.* 360.

"April 23, 1762. Thomas Foster Esq^r^ from the House came up with a Message to the Board to acquaint them that the House was ready to bring in their Votes for an Agent.

Isaac Royall Esq^r^ from the Board went down to the House of Representatives to inform them that the Board were also ready to join with them in said choice.

In Council; The two Houses pursuant to Agreement proceeded to the choice of an Agent for the Province in Great Britain, by Joint Ballot: upon sorting and counting the Votes it appeared that Jasper Mauduit Esq^r^ was chosen by a Majority of the Votes. Consented to by the Governor."—*Ibid., p.* 366.

"April 23, 1762. In the House of Representatives Ordered that Royal Tyler James Otis and Thomas Cushing Esq^rs^ be a Committee with such as the honourable Board shall join to prepare Instructions for Jasper Mauduit Esq^r^ Agent for this Province at the Court of Great Britain. In Council Read and Concurred and William Brattle and James Bowdoin Esq^rs^ are joined in the Affair."—*Ibid., p.* 370.

"April 24, 1762. The Committee appointed to prepare Instructions for Jasper Mauduit Esq^r^ Agent for this Province at the Court of Great Britain, report the draft of three Letters, one to M^r^ Bollan, one to M^r^ Agent Mauduit and another to M^r^ Jackson, which was read and in Council Read and accepted, And Ordered That the Secretary cause three fair copies to be made of the Letters to M^r^ Bollan M^r^ Mauduit and M^r^ Jackson and transmit them to the said Gentlemen respectively by three good Conveyances as soon as may be—In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid., p.* 374.

"April 24, 1762. Thomas Cushing Esq^r^ from the House of Representatives came up with a Message to the Board to propose Amendments on Letters to the Agent &c^a^

William Brattle Esq^r^ from the Board went down to the House of Representatives with a Message to inform them that they had concurred the several proposed Amendments in the Letters to the Agent &c^a^ and had nothing lying before them."—*Ibid., p.* 376.

"There had been a great division in the Assembly about a proper person for agent in England. At length the majority agreed upon Jasper Mauduit, Esq., known to the principal members, as treasurer to the society for propagating the gospel among the Indians in New England and parts adjacent, and in esteem for his great integrity. It afterwards appeared that the business of the agency was managed by his brother, Israel Mauduit, Esq., a gentleman of superior talents; and the House being sensible of it, passed a vote appointing him agent for the province in the room of his brother, who had expressed his desire that such a change should be made; and a majority of the Council was disposed to a concurrence, but Governor Bernard, having a desire to introduce another person, which it would be less easy to effect after the establishment of a gentleman of Mr. Israel Mauduit's character, prevailed with the Council to non-concur the vote; and Mr. Jasper Mauduit continued at this time the agent."—*Hutchinson's Hist. Mass. Bay, vol.* 3, *p.* 104, *note.*

See, further, note to 1762-63, chapter 10, *post.*

Chap. 49. "I take notice of this Act only to declare that I am not unmindful of Your Lordships Orders concerning Lottery Acts, from which I hope this Act will not be considered as a departure altho' it does make some addition to the sum originally granted. Faneuil Hall (the noblest public Room in North America) was burnt down about a year and a half ago: It belonged to the Town and should have been rebuilt by a general Tax, but the great losses by fire which the Inhabitants have suffered made that method to raise the Money impracticable. The Assembly passed the Original Act to raise 2000 pounds. The Trustees immediately set about the Work in assurance that they should have leave to raise such further sum as should be wanted to compleat the Work. It was evident that the Original sum would not do: if an addition should not be made to it, the former grant must be rendered useless by the incompletion of the purpose for which it was granted. This Act was therefore necessary for carrying the original into Execution."—*Gov. Bernard to Lords of Trade, May* 3, 1762; "*Mass. Bay. B. T.*," *vol.* 78, *L. l.*, 33, *in Public Record Office.*

ACTS,

PASSED 1762–63.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-sixth day of May, A.D. 1762.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and is hereby granted unto his most excellent majesty, to be paid out of the public treasury to his excellency Francis Bernard, Esquire, captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of the government. [*Passed May* 31 ; *published June* 12.

Grant of £1,300 to the governor.

CHAPTER 2.

AN ACT FOR ERECTING THE WEST PRECINCT OF RUTLAND, KNOWN BY THE NAME OF THE WEST WING OF RUTLAND, INTO A DISTRICT BY THE NAME OF OAKHAM.

Whereas the inhabitants of the west precinct of Rutland, so called, in the county of Worcester, having represented to this court the great difficulties and inconveniencies they labour under in their present situation, have earnestly requested that they may be incorporated into a district,—

Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said west precinct, bounded as follows ; viz[t]., easterly, on the town of Rutland ; northerly, on Rutland district ; west[er][*ward*]ly, on New-Braintree district ; and southerly, partly on said New-Braintree district and partly on Brookfield, be and is hereby incorporated by the name of Oakham ; and that the said district be and hereby is invested with all the powers, priviledges and immunities that towns in this province [*by**] law do or may enjoy, that of sending a representative to the General Assembly only excepted ; and that the inhabitants of said district shall have liberty from time to time to join with [*the**] town of Rutland in chusing a representative ; and shall be notified of the time and place of election, in like manner with the inhabitants of the said town of Rutland, by a warrant from [*the**] selectmen of the said town, directed to a constable or constables of the said district, requiring him or them to warn the inhabitants to attend the meeting at time and place assigned ; which [*war**]-rant shall be seasonably returned by the said constable or constables ; and the representative may be chosen indifferently from the said town

Oakham bounds.

To join with Rutland in choosing a representative.

* Parchment mutilated.

or district; the pay or allowance to be borne by the town and district in proportion as they shall, from time to time, pay to the province tax.

And be it further enacted,

Town-meeting to be warned.

[SECT. 2.] That John Murray, Esq[r]., be and hereby is directed and impowered to issue his warrant, directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district, qualified to vote in town affairs, to assemble at some suitable time and place in said district, to chuse such officers as are necessary to manage the affairs of said district.

Provided, nevertheless,—

Proviso.

[SECT. 3.] The inhabitants of said district shall pay their proportionable part of all such county and province charges as are already assessed upon them by the town of Rutland, in like manner as tho' this act had not been made. [*Passed June 7.**

CHAPTER 3.

AN ACT FOR INCORPORATING THE EAST SIDE OF SACO RIVER, IN THE TOWN OF BIDDEFORD, INTO A SEP[E][*A*]RATE DISTRICT BY THE NAME OF PEPPERRELLBOROUGH.

Preamble.

WHEREAS the inhabitants on the east side of Saco River, in the town of Biddeford, in the county of York, have represented to this court the great difficulties and inconvenienc[*i*]es they labour under in their present situation, and have earnestly requested that they may be invested with the powers, priviledges and immunities of a district; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Pepperrellborough bounds.

[SECT. 1.] That all the lands in the town of Biddeford, lying on the east side of Saco River, in the county of York, together with an island, in the said river, commonly called and known by the name of Indian Island, be and hereby is erected into a sep[e][*a*]rate and distinct district by the name of Pepperrellborough, bounded with the same bounds as the town of Biddeford now is, on the east side of Saco River; and that the said district be and hereby is invested with all the priviledges, powers and immunities that towns in this province by law do or may enjoy, that of sending a representative to the General Assembly only excepted; and that the said district shall have full liberty and right from time to time to join with the town of Biddeford in chusing a representative to represent them at the General Assembly; and shall be notified of the time and place of election, in like manner with the inhabitants of the said town of Biddeford, by a warrant from the selectmen of the said town, directed to a constable or constables of the said district, requiring him or them to warn the inhabitants to attend the meeting, at time and place assigned, which warrant shall be seasonably returned by the said constable or constables; and the representative may be chosen indifferently from the said town or district; the pay, or allowance, to be born by the town and district in proportion as they shall, from time to time, pay to the province tax.

To join with Biddeford in choosing a representative.

Provided, nevertheless,—

And be it further enacted,

Proviso.

[SECT. 2.] That the said district shall pay their proportion of all town, county and province taxes already set or granted to be raised on the town of Biddeford aforesaid, as if this act had not been made.

* Signed June 15, according to the record.

And be it further enacted,

[Sect. 3.] That Rishworth Jordan, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of said district, requiring him to notify and warn the inhabitants of said district, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said district. [*Passed June* 9.* Town meeting to be warned.

CHAPTER 4.

AN ACT FOR INCORPORATING THE NEW PLANTATION CALLED NEW HINGHAM, INTO A TOWN BY THE NAME OF CHESTERFIELD.

Whereas the proprietors of the new plantation called New Hingham, are under such circumstances that they cannot carry on their publick affairs without the aid of this court, they being originally two proprities as to their property, and have never been united into one propriety as to their publick affairs,— Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the new plantation, called New Hingham, lying in the county of Hampshire, bounded as follows: east, on the township of Hatfield; south, partly on Northampton, and partly on land lately sold by the province; north, partly on province lands, and partly on a grant made to Narraganset[*t*] Number Four; and extending west, to make twenty-three thousand and forty acres,—exclusive of Colman's grant, which contains six hundred acres,—be and hereby is incorporated into a town by the name of Chesterfield, with all the powers, priviledges and immunities that towns within this government have or do enjoy. Chesterfield bounds.

And be it further enacted,

[Sect. 2.] That all taxes to be raised within said town for set[*t*]-ling a minister, building a meeting-house, clearing and repairing roads, be levied upon the several proprietors of said plantation, according to their interest, until the further order of this court, and that said inhabitants proceed by the same rules, in levying and collecting said taxes, as proprietors in new plantations are by law obliged to observe. Taxes to be raised.

And be it further enacted,

[Sect. 3.] That Samuel Mather, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of said plantation, requiring him to call a meeting of said inhabitants, in order to chuse such officers as by law towns are impowered to chuse in the month of March annually. [*Passed June* 11. Town-meeting to be warned.

CHAPTER 5.

AN ACT FOR REND[E]RING MORE EFFECTUAL THE LAWS ALREADY MADE RELATING TO SHINGLES, AND FOR REGULATING THE ASSIZE OF STAVES, HOOPS AND CLAPBOARDS.

Whereas great fraud and abuse are practiced in making and packing shingles and hoops, and also in making and culling staves, exported from this province; for preventing the same for the future,— Preamble.

* Signed June 15, according to the record.

Be it enacted by the Governo[u]*r, Council and House of Representatives*,

Dimensions of shingles, ascertained. 1750-51, chap. 10.

[SECT. 1.] That from and after the twenty-fifth day of March next, no shingles, staves, or hoops, shall be offered for sale in any town [*with**] in this province, that shall be under the following dimensions; viz[t]., all shingles shall be eighteen or fifteen inches in length, according to which of those lengths they are [*to be**] sold for; pine shingles shall be free from sap, and all shingles shall be free from shakes and worm-holes, and be, at least, one with another, four inches and an half in breadth, half an inch thick at the butt end, and neither of them to be under three inches and an half in width at the butt end,—and shall hold that width three-quarters of the way to the thin end,—and be well shaved; and each bundle shall contain the full number it is sold for: and in case there shall be above ten shingles, that are under the above length, breadth and thickness, or five, short in the tale, in a bundle of two hundred and fifty (and so in proportion for a larger or smaller bundle), the bundle which is so deficient, or in which such shingles are contained, shall be forfeited; and the shingles in each bundle, not merchantable, shall be burnt, and the residue of them sold; and the money arising from the sale shall be paid into the hands of the town treasurer, for the benefit of the poor of such town where the shingles are condemned, first deducting therefrom the charge of culling and surveying.

Penalty for deficiency.

Dimensions of staves, ascertained.

[SECT. 2.] And all white-oak butt-staves shall be at least five feet in length, five inches broad, and one inch and one-quarter of an inch thick on the heart- or thinnest edge, and every part thereof; and all white-oak pipe-staves shall be at least four feet and eight inches in length, four inches broad in the narrowest part, and not less than three-quarters of an inch thick on the heart- or thinnest edge; and all white-oak hogshead-staves shall be at least three feet and six inches long, and not less than half an inch thick on the heart- or thinnest edge; and all white-oak barrel-staves, for a foreign market, shall be thirty-two inches long; and those for home use shall be thirty inches long, and half an inch thick on the heart- or thinnest edge; and all white-oak hogshead- and barrel-staves shall be at least, one with another, four inches in breadth, and none under three inches in width in the narrowest part; and those of the width last mentioned shall be clear of sap: and all red-oak hogshead- and barrel-staves shall be of the same length and thickness with the white-oak hogshead- and barrel-staves above mentioned, and shall be four inches wide in the narrowest part; and all staves shall be well and proportionably split.

Dimensions of clapboards.

[SECT. 3.] And all pine clapboards, that shall be exposed to sale, shall be made of good, sound timber, clear of sap; and all clapboards shall be free from shakes and worm-holes, and of the following dimensions; viz[t]., full five-eighths of an inch thick on the back or thickest part, five inches wide, and four feet and six inches long; and they shall be strait and well shaved.

Ditto, of hoops.

[SECT. 4.] And all hogshead-hoops that shall be exposed to sale, or exported, shall be from ten to thirteen feet in length, and shall be made of white-oak, or walnut, and of good and sufficient substance and well shaved; those made of oak shall be not less than one inch broad at the least end, and those made of walnut shall be not less than three-quarters of an inch broad at the least end; that a bundle shall consist of forty hoops; and all hoops of ten, eleven, twelve and thirteen feet, respectively, shall be made up in distinct bundles, by themselves; and if any hoops are packed of less dimensions than those prescribed by this law, or more than two short of the tale in any bundle, the bundle

* These words are found only in the edition of 1763.

shall be forfeited, and sold for the benefit of the poor of the town where it is offered for sale.

And be it further enacted,

Surveyors of clapboards and shingles, to be chosen.

[Sect. 5.] That each town where shingles are made or sold, may and shall chuse one or more surveyors of shingles and clapboards, in the month of March, annually, who shall be under oath for the faithful discharge of their duty, who shall be allowed, by the buyer, sixpence per thousand for his surveying and telling; and before any shingles are sent from the town where they are made, or, at the place of first sale before their delivery, they shall be viewed, surveyed and measured by a sworn surveyor, and the town brand set upon the hoop of the bundle; and all shingles offered to sale without being surveyed and marked as aforesaid, shall be forfeited and disposed of as afore provided in this act.

Hoop of the bundles, to be branded.

Penalty.

Viewers and cullers of staves and hoops, to be chosen.

[Sect. 6.] And in each maritime town, in this province, from whence staves or hoops are usually exported beyond sea, there shall be two or more suitable persons, chosen by such towns some time before the twenty-fifth day of March next, and at their meeting in March, annually, to be viewers and cullers of staves and hoops, who shall be under oath faithfully to discharge their office, and shall, for their encouragement to accept this trust, be allowed for their time and service as follows; viz[t]., one shilling and eightpence per thousand, for barrel-staves; two shillings per thousand, for hogshead-staves; two shillings and fourpence per thousand, for pipe-staves; and two shillings and eightpence per thousand, for butt-staves, as well refuse as merchantable; the merchantable, to be paid by the person buying the same, and the refuse, by the seller; and the culler shall be allowed four shillings per thousand, for hoops.

And be it further enacted,

The commodities herein mentioned, not to be shipped without being certified to have been surveyed.

[Sect. 7.] That from and after the twenty-fifth day of March next, all staves that shall be exported from this province, beyond sea, shall be first culled, and all hoops first viewed and surveyed, by one of the officers aforesaid, and a certificate given by the culler or surveyor to the master or commander of the ship or vessel on board which they are laden, of the quantity by him so culled or surveyed; and the wyths, or hoops, with which the bundles of hoops are packed, shall be sealed with the brand of the town from whence they are exported; and that all shingles and clapboards that shall be exported beyond sea, shall likewise be certified, by one of the surveyors already required by law to be chosen in each maritime town within this province, to have been by him surveyed, viewed and approved, and the number or quantity thereof; and any sellers of staves, hoops, clapboards or shingles that shall deliver any of the said articles before they are culled or surveyed, shall forfeit and pay the sum of eight shillings per thousand; and any person purchasing any of the articles before mentioned, and who shall receive them before they are culled or surveyed, shall forfeit and pay the sum of eight shillings per thousand; one half to the informer, who shall sue for the same in any of his majesty's courts of record within this province proper to try the same,—or before any of his majesty's justices of the peace, in case the forfeiture be under forty shillings,—the other half to the use of the poor of the town where such offence is committed.

Penalty.

And be it further enacted,

Vessels having such commodities, not to be cleared without such certificate.

[Sect. 8.] That from and after the said twenty-fifth day of March next, the master or owner of any vessel having any staves, hoops, clapboards or shingles on board, for their cargo, and which shall be shipped after the said twenty-fifth day of March next, before such vessel shall be cleared at the impost-office, shall deliver into the impost-office a cer-

tificate of such staves, hoops, clapboards and shingles having been culled or surveyed, and shall likewise make oath before the impost officer (who is hereby required and [e][i]mpowered to administer the same), or before any one of his majesty's justices of the peace; who shall give a certificate of said oath,—which shall, by the master or owner, be transmitted to the impost officer,—that the staves, hoops, clapboards and shingles on board his vessel are, *bonâ fide*, the same staves, hoops, clapboards and shingles certified to have been culled or surveyed, and that he has no other on board; and the impost officer for his service [aforesaid*] shall be allowed one shilling for each vessel.

And be it further enacted,

Penalty for shipping without certificate.

[SECT. 9.] That from and after the twenty-fifth day of March next, if any person shall presume to ship off any staves, hoops, clapboards or shingles, unless the same shall first have been culled or surveyed, and marked by a sworn culler or surveyor, as aforesaid, he shall forfeit and pay the sum of eight shillings per thousand, to be disposed of; one half to the poor of the town where the offence is committed, and the other half to the surveyor, or any other person or persons who shall sue for the same,—which he or they are hereby enabled to do,—by action, bill, plaint or information, in any court proper to try the same, or before any of his majesty's justices of the peace, if the forfeiture be under forty shillings.

And be it further enacted,

Penalty on the officer, in case of fraud.

[SECT. 10.] That in case any culler or surveyor shall connive or allow of the breach of this act, or shall be guilty of any fraud or deceit in surveying or culling of staves, hoops, clapboards or shingles, he shall forfeit and pay the sum of ten pounds for each offence; and in case of his refusal to attend the aforesaid service when he shall be thereto requested, he shall forfeit and pay the sum of twenty shillings: the forfeitures and penalties in such cases to be recovered and disposed of as aforesaid.

And be it further enacted,

Penalty for not qualifying or not serving.

[SECT. 11.] That if any person or persons who shall be duly chosen to serve as a surveyor of clapboards and shingles, or as a culler of staves and hoops, shall refuse or neglect to take the oath for the faithful discharge of the office, or to serve therein, every such person or persons shall pay the sum of twenty shillings, to the use of the poor of the town chusing such person or persons; and every such town shall forthwith proceed to the choice of other or others in the room of any person[s] so refusing or neglecting.

Continuance of the act.

[SECT. 12.] This act to be in force for the space of three years from the twenty-fifth day of March next, and no longer. [*Passed June* 11; † *published June* 15.‡

CHAPTER 6.

AN ACT FOR LENGTHENING OUT THE TIME FOR THE PAYMENT OF INTEREST ON THE TREASURER'S NOTES.

Preamble. 1761–62, chap. 20, § 6.

WHEREAS in and by an act made in the second year of his present majesty's reign, intituled "An Act for the better securing the possessors of the province treasurer's notes, by enabling the province treasurer to give new receipts or obligations in lieu of such notes as are now

* Omitted in the edition of 1763.
† Signed June 15, according to the record.
‡ Published June 12, according to the printed acts.

extant," it is, among other things, enacted, "that all the possessors of the treasurer's notes, who do not chuse to have them exchanged for notes of the new form, shall, some time before the last day of June next, bring such notes to the treasurer's office, and have them stamped, and an account taken of them by the treasurer and a committee to be appointed by the general court; and no interest shall be paid upon any such treasurer's notes, receipts or obligations not brought in as aforesaid, for any longer time than until[l] the last day of July next;" *and whereas* there has been no public[k] notice given of the time for the bringing in and exchanging of said notes, as mentioned in said act, and many persons may be ignorant thereof; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

That the time for the possessors', of the treasurer's notes, bringing them into the treasurer's office to have them exchanged for notes of a new form, and have them stamped, as prescribed by said act, shall be and is hereby lengthened out unto the last day of October next; and that interest [shall] be paid upon any such treasurer's notes, receipts or obligations that shall be brought in by that time and no longer; and that the treasurer give public[k] notice hereof in the Boston newspapers three weeks, successively. [*Passed June* 11; * *published June* 12.

Time for bringing in treasurer's notes, lengthened out.

CHAPTER 7.

AN ACT FOR SETTING UP A FAIR IN THE TOWN OF HARDWICKE IN THE COUNTY OF WORCESTER.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That henceforth there may be kept a fair in said Hardwicke on the third Wednesday and Thursday of May, and on the third Wednesday and Thursday of October, annually.

Fair established at Hardwick.

And be it further enacted,

[Sect. 2.] That the said town of Hardwicke be and hereby are enabled, at a meeting called for that purpose, to chuse proper officers to regulate said fair until the annual meeting in March next, and to be chosen thereafter, annually, in the month of March, during the continuance of this act.

Officers to be chosen to regulate the fair.

And be it further enacted,

[Sect. 3.] That no bargain and sale made at any of the said fairs shall be deemed valid and effectual in the law, unless the same be made between sun-rising and sun-setting.

Bargains to be made between sunrise and sunset.

[Sect. 4.] This act to continue and be in force for the space of seven years from the first day of July next, and no longer. [*Passed* * *and published June* 12.

Continuance of the act.

CHAPTER 8.

AN ACT FOR INCORPORATING THE PLANTATION CALLED NEW MARBLEHEAD, IN THE COUNTY OF CUMBERLAND, INTO A TOWN BY THE NAME OF WINDHAM.

Whereas it is represented to this court by the grantees of the plantation called New Marblehead, in the county of Cumberland, that the

Preamble.

* Signed June 15, according to the record.

inhabitants thereof labour under many inconvenienc[*i*]es by their not being incorporated into, and invested with the powers and privile[d]ges of, a town; therefore, —

Be it enacted by the Governor, Council and House of Representatives,

Windham bounds. That the whole of the said plantation, bounded as follows; viz[t]., beginning at a place called Sacarippy Falls, in Pesumscot River, and so, as the river runs, to a great pond called Chebago Pond; thence, north, forty-five degrees east, four miles and one hundred and twenty poles; thence, south, forty-five degrees east, to the head-line of North Yarmouth; thence, south, forty-five degrees west, on said head-line, three miles, to the place where the towns of Falmouth and North Yarmouth do meet and join; thence, south, twenty-four degrees and twenty minutes west, on the head-line of Falmouth, seven miles and sixty poles, to Sacarippy Falls first mentioned,—be and hereby is erected into a town by the name of Windham; *provided*, the lines above mentioned do not include more than the original grant of said township; and that the inhabitants thereof be and hereby are invested with all the powers and privileges that towns in this province do enjoy; and that Stephen Longfellow, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of said plantation, requiring him, in his majesty's name, to notify and warn the said inhabitants, duly qualified to vote in town affairs, to convene at such time, and place in said plantation, as by said warrant shall be appointed, then and there to chuse proper officers to serve til[*l*] their next March meeting, according to law. [*Passed June* 12.*

Proviso.

Town-meeting to be warned.

CHAPTER 9.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THIRTY-FIVE THOUSAND AND SEVEN HUNDRED POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLIC DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Preamble. WHEREAS it is necessary that provision be made by the general court for discharging the debts of the present and preceeding years,—

Be it enacted by the Governor, Council and House of Representatives,

Treasurer empowered to borrow £35,700. [SECT. 1.] That the treasurer of the province be and hereby is impowered and directed to borrow, from such person or persons as shall be willing to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding thirty-five thousand and seven hundred pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government"; and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the said sum the treasurer shall give his receipt or obligation in the form following: —

1749-50, chap. 19.

Form of treasurer's receipt. Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said prov-

* Signed June 15, according to the record.

ince, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or to his order, the twentieth day of June, A.D., one thousand seven hundred and sixty-four, the aforesaid sum of , in Spanish mill'd dollars, at six shillings each, or in the several species of coined silver and gold, enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with interest, annually, at six per cent.

Witness my hand. H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

—and no receipt shall be given for less than six pounds.

Which form shall be printed upon the most suitable paper that can from time to time be provided by the treasurer, and a suitable border round the same,—and also the words "Province of the Massachusetts Bay," the word "Committee," and the words "Witness my hand,"—shall be struck off from a copper-plate, which the treasurer has been impowered and directed to procure, and is now in his possession; and each blank, before it is filled up, shall be stamped, in some convenient part of it, with a stamp of a new form, which has been also procured by the treasurer for that purpose.

And be it further enacted,

Committee to sign with the treasurer.

[Sect. 2.] That a committee of three shall be appointed by the general court, who shall sign all the blanks, at the left hand, as in the form aforesaid is prescribed, before the treasurer fill them up; and the said treasurer and the said committee are also impowered and directed to dispose of the custody of said copper-plate, and stamp, in such manner as in their discretion shall appear most likely to prevent any frauds or counterfeits; and the said committee, and all persons to be employed in the printing, engraving or stamping of said blanks, shall be under oath to the faithful discharge of their respective trusts.

And be it further enacted,

Money borrowed, how to be applied.

[Sect. 3.] That the aforesaid sum of thirty-five thousand and seven hundred pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, the sum of one thousand pounds, part of the aforesaid sum of thirty-five thousand and seven hundred pounds, shall be applied for compleating the payment of the forces in the year one thousand seven hundred and sixty; and the further sum of eight thousand pounds, part of the aforesaid sum of thirty-five thousand and seven hundred pounds, shall be applied for compleating the payment of the forces in the year one thousand seven hundred and sixty-one; and the further sum of five thousand pounds, part of the aforesaid sum of thirty-five thousand and seven hundred pounds, shall be applied for the payment of the expences of the several forts and garrisons within this province; and the further sum of one thousand five hundred pounds, part of the aforesaid sum of thirty-five thousand and seven hundred pounds, shall be applied for purchasing provisions and the commissary's disbursements for the service of the several forts and garrisons within this province; and the further sum of six thousand pounds, part of the aforesaid sum of thirty-five thousand and seven hundred pounds, shall be applied for the payment of the grants made or to be made by this court; and the further sum of three thousand five hundred pounds, part of the aforesaid sum of thirty-five thousand and seven hundred pounds, shall be applied for the discharge of debts owing from this province to persons that have served or shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned them for that

purpose, and for paper, writing and printing, for this court, and repairs of the province-house, court-house, light-house, wood at Castle William, and repairs of fortifications within this province; and the further sum of four thousand five hundred pounds, part of the aforesaid sum of thirty-five thousand and seven hundred pounds, shall be applied for the payment of his majesty's council and house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of six thousand pounds, part of the aforesaid sum of thirty-five thousand and seven hundred pounds, shall be applied for the payment of the charge of maintaining armed vessels of war belonging to this province; and the further sum of two hundred pounds, being the remainder of the said sum of thirty-five thousand and seven hundred pounds, shall be applied to pay such contingent and unforseen charges as may arise, and for no other purpose whatsoever.

Preamble.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act, —

Be it enacted,

Tax of £39,984, granted in 1763.

[SECT. 4.] That there be and hereby is granted unto his most excellent majesty a tax of thirty-nine thousand nine hundred and eighty-four pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly, at their sessions in June, one thousand seven hundred and sixty-three, and to be paid into the public treasury on or before the thirty-first day of March, A.D., one thousand seven hundred and sixty-four, then next after.

And be it further enacted,

Rule for apportioning the tax, in case no tax act shall be agreed on.

[SECT. 5.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-three, and some time before the twentieth day of June, in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court, in the tax act then last preceeding.

[SECT. 6.] And the province treasurer is hereby fully impowered and directed, some time in said month of June, in the same year, one thousand seven hundred and sixty-three, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act.

And be it further enacted,

[SECT. 7.] That the treasurer pay the sum of thirty-five thousand and seven hundred pounds, out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accounts of charge shall lay before the house of representatives, when they direct, such muster-rolls and accounts, after payment thereof.

Provided, always,—

[SECT. 8.] That the remainder of the sum which shall be brought

into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed and published June* 12.

CHAPTER 10.

AN ACT TO IMPOWER THE PROVINCE TREASURER TO DRAW BILLS OF EXCHANGE UPON THE AGENT OF THE PROVINCE IN GREAT BRITAIN.

Preamble.

Whereas the parliament of Great Britain has made a grant of two hundred thousand pounds sterling, to enable his majesty to recompence his northern colonies in America, for their military services in the year one thousand seven hundred and sixty, a proportion of which grant, it is humbly expected, will be assigned this province,—

Be it enacted by the Governor, Council and House of Representatives,

Province treasurer empowered to draw bills of exchange on the agent, for a sum not exceeding £55,000, on certain conditions.

[Sect. 1.] That the province treasurer be and he hereby is impowered and directed to draw bills of exchange on Jasper Mauduit, Esq., agent for said province in Great Britain, or, in case of his being prevented by death, absence or any other way, on Richard Jackson, junior, Esquire, for a sum not exceeding fifty-five thousand pounds; and the said bills shall be drawn on the following conditions; viz., that for every hundred pounds sterling for which such bills shall be drawn, one hundred and thirty-eight pounds lawful money, of this province, shall be paid into the province treasury; that such bills shall be drawn, payable to the persons purchasing the same, or to their order, at thirty days' sight; but if the province agent, or, in case of his being prevented by death, absence or any other way, Richard Jackson, junior, Esquire, at the expiration of the thirty days, shall not have received the province's proportion of the grant aforesaid, then interest shall be allowed, from the expiration of said thirty days, at the rate of six per cent per annum, until paid: and such bills shall not be protested until twelve months shall be expired from their respective dates; and in case of their being returned protested, after the expiration of said twelve months, the province treasurer shall repay the sums received into the treasury for such bills, with lawful interest from their respective dates, but shall not be liable to pay any cost or damages on account of the protesting such bills: said bills to be of the form following; viz.,—

Form of the bill of exchange.

Exchange for £ sterling. (No.), Boston, , 1762.

Sir,

At thirty days' sight of this my first per exchange (second, third and fourth of the same tenor and date, unpaid), pay unto , or order, pounds sterling, for value recieved, and charge it to the province of the Massachusetts Bay; but if it is not paid at said thirty days' sight, then pay interest on that sum, from the expiration of said thirty days until paid, at the rate of six pounds per cent per annum; and if this bill and interest is not paid in one year from the date hereof, I hereby oblige myself, and successors in the office of treasurer of the province of the Massachusetts Bay, to pay said bill, with interest from the date of it, at the above rate, until paid, when it shall be returned with a protest into the office aforesaid, but no other charges or damages: *provided*, that, if payment shall not be demanded within six months after the date of said protest, the interest shall, from that time, determine and cease.

H. G., Province Treasurer.

To Jasper Mauduit, Esq., agent for the province of the Massachusetts Bay, in London, or, in case of his death, absence, or refusal of said trust, to Richard Jackson, jun., Esquire.

And be it further enacted,

Treasurer to prepare a roll for receiving subscriptions, &c.

[SECT. 2.] That the province treasurer shall and he hereby is directed to prepare, forthwith, a roll for receiving subscriptions for the bills aforesaid, of which he shall give publick notice, that all persons inclining may become subscribers. And the said subscription-roll shall lie open to be subscribed until the first day of July, one thousand seven hundred and sixty-two; at which time, if a greater sum than fifty-five thousand pounds, aforesaid, shall be subscribed, each subscriber shall be entituled to such a part of said proportion, in bills, as his particular subscription shall bear to the whole sum subscribed.

Provided, always,—

No person to subscribe for more than £1,000, or less than £100.

[SECT. 3.] That no person shall be permitted to subscribe for more than one thousand pounds, sterling, or less than one hundred pounds, sterling; nor shall any persons be admitted to subscribe, but such as are inhabitants of this province, until the said first day of July next, when, if the sum subscribed shall appear to be less than the fifty-five thousand pounds aforesaid, any persons whatsoever shall be allowed to become subscribers for the remainder, and in such sums as they may think proper, preference being given to the inhabitants of this province.

And be it further enacted,

If the sum subscribed for be not paid into the treasury in ten days after notice given, other subscribers may be admitted.

[SECT. 4.] That if the sums subscribed, as aforesaid, shall not be paid into the province treasury within ten days after public notice, given by the treasurer in the Boston Monday's newspapers, that he is ready to draw the bills as aforesaid, then he shall allow any person or persons whatsoever to become subscribers, in room of those who shall neglect to pay their subscriptions until the expiration of the ten days aforesaid; and such new subscriber* shall be intitled to such bills upon their paying for them at the rate aforesaid. [*Passed and published June* 12.

CHAPTER 11.

AN ACT TO REVIVE AND CARRY INTO EXECUTION AN ACT, MADE IN THE THIRTY-THIRD YEAR OF THE REIGN OF HIS LATE MAJESTY GEORGE THE SECOND, INTIT[*U*]LED "AN ACT FOR RAISING A SUM OF MONEY BY LOTTERY, FOR DRAWING IN SUCH OF THE NOTES OR BILLS OF THE LATE LAND-BANK OR MANUFACTORY COMPANY, AS ARE YET OUTSTANDING."

Preamble. 1759-60, chap. 25.

WHEREAS, in and by an act made in the thirty-third year of the reign of his late majesty George the Second, intit[*u*]led, "An Act for raising a sum of money by lottery, for drawing in such of the notes or bills of the late Land-Bank or Manufactory Company, as are yet outstanding," Messieurs Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes, John Scollay, Benjamin Austin and Andrew Oliver, jun[r]., or any three of them, were [e][*i*]mpowered to raise the sum of three thousand five hundred pounds by a lottery or lotteries, for the purposes therein mentioned, which lottery or lotteries were to be wholly compleated and finished within eighteen months from the first day of March, in the year of our Lord one thousand seven hundred and sixty; *and whereas* the said Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes, John Scollay, Benjamin Austin and Andrew Oliver, jun[r]., in pursuance of said act, have caused to be drawn two classes of the said lottery, and have also issued tickets for a third class (the greatest part of the tickets whereof have been sold and disposed of), but have been unavoidably prevented drawing the said third class

* *Sic.*

within the time limited by law for compleating the same, which failure must occasion great trouble and confusion, and will be of considerable detriment to the late Land-Bank or Manufactory Company, unless provided against by law; for remedy thereof,—

Be it enacted by the Governo[u]*r, Council and House of Representatives.*

[Sect. 1.] That the said Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes, John Scollay, Benjamin Austin and Andrew Oliver, jun[r]., or any three of them, shall and may draw, or cause to be drawn, the said third class of the said lottery, and compleat the same according to the said act and the true intent and meaning thereof, notwithstanding the time for compleating and finishing the same is expired. Managers empowered to proceed.

Provided, nevertheless,—

[Sect. 2.] That the said lottery shall be compleated and finished on or before the first day of December next ensuing. [*Passed June* 12.*

CHAPTER 12.

AN ACT FOR APPORTIONING AND ASSESSING THE SUM OF SEVENTY-FIVE THOUSAND POUNDS; ALSO FOR APPORTIONING AND ASSESSING A TAX OF THREE THOUSAND TWO HUNDRED AND SIXTY-FOUR POUNDS FIFTEEN SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-ONE; ALSO FOR APPORTIONING AND ASSESSING A TAX OF ONE HUNDRED AND FIFTY-ONE POUNDS THIRTEEN SHILLINGS, FOR FINES LAID UPON TOWNS THAT HAVE NOT SENT ANY PERSONS TO REPRESENT THEM IN THE GENERAL COURT THE PRESENT YEAR; AND ALSO FOR ASSESSING THE TOWN OF PRINCETOWN, FOR THE SUM OF THIRTY-ONE POUNDS ONE SHILLING AND SEVENPENCE BEING SO MUCH ORDERED BY THE GENERAL COURT TO BE ADDED TO THEIR TAX THE PRESENT YEAR, OVER AND ABOVE THEIR PROPORTION OF WHAT IS LAID ON SAID TOWN: ALL WHICH SUMS AMOUNT TO SEVENTY-EIGHT THOUSAND FOUR HUNDRED AND FORTY-SEVEN POUNDS NINE SHILLINGS AND SEVENPENCE.

Whereas the great and general court or assembly of this province did, in their session in October, one thousand seven hundred and fifty-nine, levy a tax of one hundred thousand pounds; and also at their session in May, one thousand seven hundred and sixty-one, did levy a further tax of forty-one thousand pounds; and at the same session, by one other act, did levy a further tax of fifty-five thousand pounds; amounting in the whole to one hundred and ninety-six thousand pounds: and, by the aforesaid acts, provision was made that the great and general court, at this present session, might apportion the same on the several towns, districts, parishes and places within this province, if they thought fit; but inasmuch as such a heavy tax will be insupportable to the inhabitants of the province, under their present distressed circumstances, and as the Parliament of Great Britain have been graciously pleased to make a grant to the colonies, of two hundred thousand pounds, sterling, to recompence them for their services and expences in the expedition for the year one thousand seven hundred and sixty, and have also made a further grant to the colonies of the sum of one hundred and thirty-three thousand three hundred and thirty-three 1759–60, chap. 8, § 4. 1761–62, chap. 15, § 3. 1761–62, chap. 4, § 3.

* Signed June 15, according to the record.

pounds six shillings and eightpence, sterling, to recompence them for their services and expences in the expedition for the year one thousand seven hundred and sixty-one; which monies, when drawn for by the province, or otherwise received into the treasury, with the tax of seventy-five thousand pounds agreed to be assessed and levied this year, will be sufficient to redeem the government securities, with the interest that will become due in June next,—which the treasurer is hereby directed and impowered to apply to that purpose when the same shall be received into the treasury, and for no other purpose whatsoever; wherefore, for the ordering, directing and effectual drawing in the said sum of seventy-eight thousand four hundred and forty-seven pounds nine shillings and sevenpence, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That each town, district, parish or other place within this province, be assessed and pay, as such town, district, parish and place's proportion of the sum of seventy-eight thousand four hundred and forty-seven pounds nine shillings and sevenpence, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Boston	£0 0*s.* 0*d.*	£101 0*s.* 0*d.*	£8,469 13*s.* 9*d.*	Eight thousand five hundred and seventy pounds thirteen shillings and ninepence	£8,570 13*s.* 9*d.*
Roxbury	0 0 0	22 4 0	920 0 0	Nine hundred and forty-two pounds four shillings	942 4 0
Dorchester	0 0 0	24 0 0	569 0 0	Five hundred and ninety-three pounds	593 0 0
Milton	0 0 0	16 0 0	378 2 6	Three hundred and ninety-four pounds two shillings and sixpence	394 2 6
Braintree	0 0 0	26 16 0	732 16 3	Seven hundred and fifty-nine pounds twelve shillings and threepence,	759 12 3
Weymouth	0 0 0	26 16 0	369 1 3	Three hundred and ninety-five pounds seventeen shillings and threepence	395 17 3
Hingham	0 0 0	30 13 0	748 15 0	Seven hundred and seventy-nine pounds eight shillings	779 8 0
Dedham	0 0 0	30 4 0	645 0 0	Six hundred and seventy-five pounds four shillings	675 4 0
Medfield	0 0 0	30 13 0	294 13 9	Three hundred and twenty-five pounds six shillings and ninepence,	325 6 9
Wrentham	0 0 0	31 11 0	568 2 6	Five hundred and ninety-nine pounds thirteen shillings and sixpence,	599 13 6
Brookline	0 0 0	0 0 0	253 16 7	Two hundred and fifty-three pounds sixteen shillings and sevenpence	253 16 7
Needham	0 0 0	27 2 0	232 16 3	Two hundred and fifty-nine pounds eighteen shillings and threepence	259 18 3
Stoughton	0 0 0	30 13 0	505 18 9	Five hundred and thirty-six pounds eleven shillings and ninepence,	536 11 9
Medway	0 0 0	27 13 0	207 16 3	Two hundred thirty-five pounds nine shillings and threepence	235 9 3
Bellingham	0 0 0	0 0 0	125 18 9	One hundred and twenty-five pounds eighteen shillings and ninepence	125 18 9
Hull	0 0 0	0 0 0	72 10 0	Seventy-two pounds ten shillings	72 10 0
Walpole	0 0 0	0 0 0	221 5 0	Two hundred and twenty-one pounds five shillings	221 5 0
Chelsea	0 0 0	25 5 0	200 18 9	Two hundred and twenty-six pounds three shillings and ninepence	226 3 9
	£0 0*s.* 0*d.*	£450 10*s.* 0*d.*	£15,516 5*s.* 4*d.*	Fifteen thousand nine hundred and sixty-six pounds fifteen shillings and fourpence	£15,966 15*s.* 4*d.*

IN THE COUNTY OF ESSEX.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Salem	£0 0s. 0d.	£37 5s. 0d.	£1,402 3s. 9d.	One thousand four hundred and thirty-nine pounds eight shillings and ninepence	£1,439 8s. 9d.
Danvers	0 0 0	30 13 0	620 6 3	Six hundred and fifty pounds nineteen shillings and threepence	650 19 3
Ipswich	0 0 0	29 11 0	1,388 15 0	One thousand four hundred and eighteen pounds six shillings	1,418 6 0
Newbury	0 0 0	62 18 0	1,918 15 0	One thousand nine hundred and eighty-one pounds thirteen shillings,	1,981 13 0
Marblehead	0 0 0	32 17 0	1,232 10 0	One thousand two hundred and sixty-five pounds seven shillings	1,265 7 0
Lynn	0 0 0	26 16 0	596 17 6	Six hundred and twenty-three pounds thirteen shillings and sixpence	623 13 6
Andover	0 0 0	30 1 0	944 1 3	Nine hundred seventy-four pounds two shillings and threepence	974 2 3
Beverly	0 0 0	30 17 0	587 10 0	Six hundred and eighteen pounds seven shillings	618 7 0
Rowley	0 0 0	31 9 0	580 18 9	Six hundred and twelve pounds seven shillings and ninepence	612 7 9
Salisbury	0 0 0	31 2 0	450 6 3	Four hundred and eighty-one pounds eight shillings and threepence,	481 8 3
Haverhill	0 0 0	28 0 0	721 5 0	Seven hundred and forty-nine pounds five shillings	749 5 0
Glocester	0 0 0	26 10 0	904 1 3	Nine hundred and thirty pounds eleven shillings and threepence	930 11 3
Topsfield	0 0 0	30 1 0	254 1 3	Two hundred and eighty-four pounds two shillings and threepence,	284 2 3
Boxford	0 0 0	14 5 0	305 0 0	Three hundred and nineteen pounds five shillings	319 5 0
Almsbury	0 0 0	29 3 0	459 7 6	Four hundred and eighty-eight pounds ten shillings and sixpence	488 10 6
Bradford	0 0 0	32 4 0	339 1 3	Three hundred and seventy-one pounds five shillings and threepence,	371 5 3
Wenham	0 0 0	0 0 0	187 3 9	One hundred eighty-seven pounds three shillings and ninepence	187 3 9
Middleton	8 12 8	0 0 0	217 10 0	Two hundred twenty-six pounds two shillings and eightpence	226 2 8
Manchester	0 0 0	0 0 0	159 1 3	One hundred and fifty-nine pounds one shilling and threepence	159 1 3
Methuen	0 0 0	0 0 0	245 6 3	Two hundred and forty-five pounds six shillings and threepence	245 6 3
	£8 12s. 8d.	£503 12s. 0d.	£13,514 1s. 3d.	Fourteen thousand and twenty-six pounds five shillings and elevenpence	£14,026 5s. 11d.

IN THE COUNTY OF MIDDLESEX.

Cambridge	£0 0s. 0d.	£25 5s. 0d.	£678 2s. 6d.	Seven hundred and three pounds seven shillings and sixpence	£703 7s. 6d.
Charlestown	0 0 0	19 8 0	664 1 3	Six hundred and eighty-three pounds nine shillings and threepence,	683 9 3
Watertown	0 0 0	29 15 0	272 16 3	Three hundred and two pounds eleven shillings and threepence	302 11 3
Woburn	0 0 0	25 14 0	489 7 6	Five hundred and fifteen pounds one shilling and sixpence	515 1 6

Concord	0	0	0	30	13	0	470	8	6¾	Five hundred and one pounds one shilling and sixpence three farthings	501	1	6¾
Newton	0	0	0	29	15	0	463	15	0	Four hundred and ninety-three pounds ten shillings	493	10	0
Sudbury	22	1	3	28	18	0	555	18	9	Six hundred and six pounds eighteen shillings	606	18	0
Marlborough	0	0	0	29	11	0	551	17	6	Five hundred eighty-one pounds eight shillings and sixpence	581	8	6
Billerica	0	0	0	27	1	0	367	10	0	Three hundred and ninety-four pounds eleven shillings	394	11	0
Framingham	0	0	0	28	16	0	422	16	3	Four hundred and fifty-one pounds twelve shillings and threepence,	451	12	3
Lexington	0	0	0	29	11	0	172	0	11¼	Two hundred and one pounds eleven shillings and elevenpence one farthing	201	11	11¼
Chelmsford	0	0	0	27	9	0	316	17	6	Three hundred and forty-four pounds six shillings and sixpence	344	6	6
Sherburne	0	0	0	21	3	0	198	15	0	Two hundred and nineteen pounds eighteen shillings	219	18	0
Reading	0	0	0	29	15	0	491	17	6	Five hundred and twenty-one pounds twelve shillings and sixpence,	521	12	6
Malden	0	0	0	25	5	0	268	2	6	Two hundred and ninety-three pounds seven shillings and sixpence,	293	7	6
Weston	0	0	0	26	18	0	329	11	3	Three hundred and fifty-seven pounds four shillings and ninepence,	357	4	9
Medford	0	0	0	25	5	0	317	16	3	Three hundred and forty-three pounds one shilling and threepence,	343	1	3
Littleton	9	11	0	26	9	0	240	12	6	Two hundred and seventy-six pounds twelve shillings and sixpence,	276	12	6
Hopkinston	9	15	6	0	0	0	246	5	0	Two hundred and fifty-six pounds and sixpence	256	0	6
Westford	0	0	0	27	7	0	288	8	9	Three hundred and fifteen pounds fifteen shillings and ninepence	315	15	9
Shirley	0	0	0	2	9	0	86	5	0	Eighty-eight pounds fourteen shillings	88	14	0
Waltham	0	0	0	25	11	0	254	1	3	Two hundred and seventy-nine pounds twelve shillings and threepence	279	12	3
Townshend	0	0	0	0	0	0	120	12	6	One hundred and twenty pounds twelve shillings and sixpence	120	12	6
Stow	0	0	0	30	6	0	217	10	0	Two hundred and forty-seven pounds sixteen shillings	247	16	0
Stoneham	0	0	0	0	0	0	111	5	0	One hundred and eleven pounds five shillings	111	5	0
Groton	0	0	0	10	18	0	370	12	6	Three hundred and eighty-one pounds ten shillings and sixpence	381	10	6
Wilmington	0	0	0	0	0	0	192	10	0	One hundred and ninety-two pounds ten shillings	192	10	0
Natick	0	0	0	0	0	0	130	6	3	One hundred and thirty pounds six shillings and threepence	130	6	3
Dracut	0	0	0	0	0	0	164	1	3	One hundred and sixty-four pounds one shilling and threepence	164	1	3
Bedford	0	0	0	0	0	0	144	7	6	One hundred and forty-four pounds seven shillings and sixpence	144	7	6
Holliston	0	0	0	0	0	0	186	5	0	One hundred and eighty-six pounds five shillings	186	5	0
Tewksbury	0	0	0	0	0	0	205	12	6	Two hundred and five pounds twelve shillings and sixpence	205	12	6
Acton	0	0	0	0	0	0	173	2	6	One hundred and seventy-three two shillings and sixpence	173	2	6
Dunstable	0	0	0	0	0	0	174	7	6	One hundred and seventy-four pounds seven and sixpence	174	7	6
Pepperrel	0	0	0	4	2	0	137	10	0	One hundred and forty-one pounds twelve shillings	141	12	0
Lincoln	0	0	0	25	14	0	244	13	9	Two hundred and seventy pounds seven shillings and ninepence	270	7	9
	£41	7*s.*	9*d.*	£612	18*s.*	0*d.*	£10,720	18*s.*	9*d.*	Eleven thousand three hundred and seventy-five pounds four shillings and sixpence	£11,375	4*s.*	6*d.*

IN THE COUNTY OF HAMPSHIRE.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Springfield	£0 0s. 0d.	£37 17s. 0d.	£939 7s. 6d.	Nine hundred and seventy-seven pounds four shillings and sixpence,	£977 4s. 6d.
Northampton	0 0 0	21 1 0	418 15 0	Four hundred and thirty-nine pounds sixteen shillings	439 16 0
Southampton	0 0 0	5 8 0	100 0 0	One hundred and five pounds eight shillings	105 8 0
Hadley	0 0 0	7 4 0	194 1 3	Two hundred and one pounds five shillings and threepence	201 5 3
South Hadley	0 0 0	7 14 0	204 1 3	Two hundred and eleven pounds fifteen shillings and threepence	211 15 3
Amherst	0 0 0	5 0 0	142 3 9	One hundred and forty-seven pounds three shillings and ninepence,	147 3 9
Hatfield	0 0 0	25 1 0	270 18 9	Two hundred and ninety-five pounds nineteen shillings and ninepence	295 19 9
Westfield	0 0 0	11 8 0	323 2 6	Three hundred and thirty-four pounds ten shillings and sixpence	334 10 6
Deerfield	0 0 0	16 13 0	188 8 9	Two hundred and five pounds one shilling and ninepence	205 1 9
Greenfield	0 0 0	7 6 0	72 16 3	Eighty pounds two shillings and threepence	80 2 3
Sunderland	6 16 6	5 18 8	124 7 6	One hundred and thirty-seven pounds two shillings and eightpence,	137 2 8
Montague	3 10 0	2 13 4	88 8 9	Ninety-four pounds twelve shillings and one penny	94 12 1
Northfield	0 0 0	0 0 0	119 1 3	One hundred and nineteen pounds one shilling and threepence	119 1 3
Brimfield	11 15 7	24 10 6	296 17 6	Three hundred and thirty-three pounds three shillings and sevenpence	333 3 7
Monson	0 0 0	5 15 6	72 10 0	Seventy-eight pounds five shillings and sixpence	78 5 6
Pelham	0 0 0	0 0 0	140 12 6	One hundred and forty pounds twelve shillings and sixpence	140 12 6
Greenwich	0 0 0	0 0 0	109 7 6	One hundred and nine pounds seven shillings and sixpence	109 7 6
Blanford	0 0 0	0 0 0	92 3 9	Ninety-two pounds three shillings and ninepence	92 3 9
Palmer	0 0 0	0 0 0	140 18 9	One hundred and forty pounds eighteen shillings and ninepence	140 18 9
Granville	0 0 0	0 0 0	166 5 0	One hundred and sixty-six pounds five shillings	166 5 0
New Salem	0 0 0	0 0 0	98 8 9	Ninety-eight pounds eight shillings and ninepence	98 8 9
Belchertown	0 0 0	0 0 0	84 1 3	Eighty-four pounds one shilling and threepence	84 1 3
Colrain	0 0 0	0 0 0	59 1 3	Fifty-nine pounds one shilling and threepence	59 1 3
Ware River	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence	36 17 6
Enfield	0 0 0	0 0 0	321 12 8	Three hundred and twenty-one pounds twelve shillings and eightpence	321 12 8
Somers	0 0 0	0 0 0	253 9 2	Two hundred and fifty-three pounds nine shillings and twopence	253 9 2
Roxbury-Canada	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence	36 17 6
Bernardtown	0 0 0	0 0 0	29 7 6	Twenty-nine pounds seven shillings and sixpence	29 7 6
Hunts' Town	0 0 0	0 0 0	18 8 9	Eighteen pounds eight shillings and ninepence	18 8 9
Shutesbury	0 0 0	0 0 0	55 6 3	Fifty-five pounds six shillings and threepence	55 6 3
Suffield	0 0 0	0 0 0	526 10 4	Five hundred and twenty-six pounds ten shillings and fourpence	526 10 4
	£22 2s. 1d.	£183 10s. 0d.	£5,724 8s. 5d.	Five thousand nine hundred and thirty pounds and sixpence	£5,930 0s. 6d.

IN THE COUNTY OF BERKSHIRE.

Sheffield	£0	0s.	0d.	£11	8s.	6d.	£247	19s.	4½d.	Two hundred and fifty-nine pounds seven shillings and tenpence halfpenny	£259	7s. 10½d.
Great Barrington	0	0	0	5	19	0	142	19	4½	One hundred and forty-eight pounds eighteen shillings and fourpence halfpenny	148	18 4½
Egremont	0	0	0	3	19	6	90	18	9	Ninety-four pounds eighteen shillings and threepence	94	18 3
Stockbridge	0	0	0	25	14	0	54	4	4½	Seventy-nine pounds eighteen shillings and fourpence halfpenny	79	18 4½
Pittsfield	0	0	0	0	0	0	55	6	3	Fifty-five pounds six shillings and threepence	55	6 3
New Marlboro'	0	0	0	0	0	0	84	10	7½	Eighty-four pounds ten shillings and sevenpence halfpenny	84	10 7½
Tyringham	0	0	0	0	0	0	59	1	3	Fifty-nine pounds one shilling and threepence	59	1 3
Sandisfield	0	0	0	0	0	0	59	1	3	Fifty-nine pounds one shilling and threepence	59	1 3
Number Four	0	0	0	0	0	0	55	6	3	Fifty-five pounds six shillings and threepence	55	6 3
	£0	0s.	0d.	£47	1s.	0d.	£849	7s.	6d.	Eight hundred and ninety-six pounds eight shillings and sixpence	£896	8 6

IN THE COUNTY OF WORCESTER.

Worcester	£0	0s.	0d.	£29	3s.	0d.	£456	9s.	8¼d.	Four hundred and eighty-five pounds twelve shillings and eightpence one farthing	£485	12s. 8¼d.
Lancaster	0	0	0	32	9	0	545	4	8¼	Five hundred and seventy-seven pounds thirteen shillings and eightpence one farthing	577	13 8¼
Mendon	0	0	0	32	9	0	438	2	6	Four hundred and seventy pounds eleven shillings and sixpence	470	11 6
Woodstock	0	0	0	0	0	0	617	3	3	Six hundred and seventeen pounds three shillings and threepence	617	3 3
Brookfield	0	0	0	24	9	0	398	5	7½	Four hundred and twenty-two pounds fourteen shillings and sevenpence halfpenny	422	14 7½
Oxford	9	1	10	25	14	0	241	3	5¼	Two hundred and seventy-five pounds nineteen shillings and threepence one farthing	275	19 3¼
Charlton	3	2	1	8	2	0	78	15	0	Eighty-nine pounds nineteen shillings and one penny	89	19 1
Sutton	0	0	0	30	14	0	460	1	6¾	Four hundred and ninety pounds fifteen shillings and sixpence three farthings	490	15 6¾
Rutland	0	0	0	14	5	5	327	15	4½	Three hundred and forty-two pounds and ninepence halfpenny	342	0 9½
Oakham	0	0	0	1	18	7	44	5	3	Forty-six pounds three shillings and tenpence	46	3 10
New Braintree	0	0	0	0	0	0	123	0	11¼	One hundred and twenty-three pounds and elevenpence one farthing,	123	0 11¼
District of Rutland,	0	0	0	2	12	0	148	0	11¼	One hundred and fifty pounds twelve shillings and elevenpence one farthing	150	12 11¼
Leicester	0	0	0	22	8	0	274	7	6	Two hundred and ninety-six pounds fifteen shillings and twopence,	296	15 2

IN THE COUNTY OF WORCESTER—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
District of Spencer,	£0 0*s.* 0*d.*	£11 2*s.* 4*d.*	£133 13*s.* 5½*d.*	One hundred and forty-four pounds sixteen shillings and ninepence one farthing	£144 16*s.* 9¼*d.*
Southborough	0 0 0	25 16 0	211 11 3	Two hundred and thirty-seven pounds seven shillings and threepence,	237 7 3
Westborough	0 0 0	21 5 0	335 2 7¼	Three hundred and fifty-six pounds seven shillings and sevenpence one farthing	316* 7 7¼
Shrewsbury	15 12 4	22 8 0	384 6 5½	Four hundred and twenty-two pounds six shillings and ninepence halfpenny	422 6 9½
Lunenburg	0 0 0	26 0 0	294 1 3	Three hundred and twenty pounds one shilling and threepence	320 1 3
Uxbridge	0 0 0	32 14 0	278 11 10½	Three hundred and eleven pounds five shillings and tenpence halfpenny	311 5 10½
Harvard	9 19 9	29 1 0	251 5 0	Two hundred and ninety pounds five shillings and ninepence	290 5 9
Dudley	0 0 0	0 0 0	157 3 9	One hundred and fifty-seven pounds three shillings and ninepence	157 3 9
Bolton	9 10 3	26 10 0	239 4 4½	Two hundred and seventy-five pounds four shillings and sevenpence halfpenny	275 4 7½
Upton	0 0 0	0 0 0	105 9 4½	One hundred and five pounds nine shillings and fourpence halfpence,	105 9 4½
Sturbridge	0 0 0	27 15 0	175 15 7½	Two hundred and three pounds ten shillings and sevenpence halfpenny	203 10 7½
Leominster	0 0 0	0 0 0	157 10 0	One hundred and fifty-seven pounds ten shillings	157 10 0
Hardwick	0 0 0	24 12 0	198 15 0	Two hundred and twenty-three pounds seven shillings	223 7 0
Holden	0 0 0	0 0 0	112 10 0	One hundred and twelve pounds ten shillings	112 10 0
Western	0 0 0	0 0 0	150 0 0	One hundred and fifty pounds	150 0 0
Douglass	0 0 0	0 0 0	73 16 6¾	Seventy-three pounds sixteen shillings and sixpence three farthings,	73 16 6¾
Grafton	8 0 0	0 0 0	201 17 6	Two hundred and nine pounds seventeen shillings and sixpence	209 17 6
Petersham	0 0 0	24 18 0	164 4 4½	One hundred and eighty-nine pounds two shillings and fourpence halfpenny	189 2 4½
Westminster	0 0 0	0 0 0	113 19 8¼	One hundred and thirteen pounds nineteen shillings and eightpence one farthing	113 19 8¼
Athol	0 0 0	0 0 0	59 1 3	Fifty-nine pounds one shilling and threepence	59 1 3
Templeton	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence	36 17 6
Princetown	0 0 0	0 0 0	86 7 10	Eighty-six pounds seven shillings tenpence	86 7 10
Dorchester-Canada,	0 0 0	0 0 0	44 7 6	Forty-four pounds seven shillings and sixpence	44 7 6
Ipswich-Canada	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence	36 17 6
	£55 6*s.* 3*d.*	£496 6*s.* 0*d.*	£8,155 5*s.* 5½*d.*	Eight thousand seven hundred and six pounds seventeen shillings and eightpence halfpenny	£8,706 17*s.* 8½*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth	£0 0s. 0d.	£23 11s. 0d.	£484 1s. 3d.	Five hundred and seven pounds twelve shillings and threepence	£507 12s. 3d.
Scituate	0 0 0	31 11 0	791 11 3	Eight hundred and twenty-three pounds, two shillings and threepence	823 2 3
Duxbury	0 0 0	31 14 0	267 16 3	Two hundred and ninety-nine pounds ten shillings and threepence,	299 10 3
Marshfield	0 0 0	30 15 0	361 5 0	Three hundred and ninety-two pounds	392 0 0
Bridgwater	0 0 0	28 1 0	996 17 6	One thousand and twenty-four pounds eighteen shillings and sixpence	1,024 18 6
Middleborough	0 0 0	27 13 0	729 1 3	Seven hundred and fifty-six pounds fourteen shillings and threepence	756 14 3
Rochester	0 0 0	23 12 0	452 6 10½	Four hundred and seventy-five pounds eighteen shillings and tenpence halfpenny	475 18 10½
Plympton	0 0 0	31 6 0	291 5 0	Three hundred and twenty-two pounds eleven shillings	322 11 0
Pembrook	0 0 0	22 15 0	350 18 9	Three hundred and seventy-three pounds thirteen shillings and ninepence	373 13 9
Kingston	0 0 0	32 9 0	204 7 6	Two hundred and thirty-six pounds sixteen shillings and sixpence,	236 16 6
Hanover	0 0 0	28 19 0	205 18 9	Two hundred and thirty-four pounds seventeen shillings and ninepence	234 17 9
Abbington	0 0 0	28 17 0	267 3 9	Two hundred and ninety-six pounds and ninepence	296 0 9
Halifax	0 0 0	0 0 0	144 16 10½	One hundred and forty-four pounds sixteen shillings and tenpence halfpenny	144 16 10½
Warham	0 0 0	0 0 0	94 13 9	Ninety-four pounds thirteen shillings and ninepence	94 13 9
	£0 0s. 0d.	£341 3s. 0d.	£5,642 3s. 9d.	Five thousand nine hundred and eighty-three pounds six shillings and ninepence	£5,983 9s.* 9d.

IN THE COUNTY OF BARNSTABLE.

Barnstable	£0 0s. 0d.	£36 1s. 0d.	£478 15s. 0d.	Five hundred and fourteen pounds sixteen shillings	£514 16s. 0d.
Yarmouth	0 0 0	0 0 0	372 16 3	Three hundred and seventy-two pounds sixteen shillings and threepence	372 16 3
Sandwich	0 0 0	25 14 0	419 7 6	Four hundred and forty-five pounds one shilling and sixpence	445 1 6
Eastham	0 0 0	18 0 0	397 10 0	Four hundred and fifteen pounds ten shillings	415 10 0
Harwich	0 0 0	27 11 0	299 1 3	Three hundred and twenty-six pounds twelve shillings and threepence	326 12 3
Chatham	0 0 0	0 0 0	212 2 2¼	Two hundred and twelve pounds two shillings and twopence one farthing	212 2 2¼

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IN THE COUNTY OF BARNSTABLE—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Truro	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£173 16*s.* 6¾*d.*	One hundred and seventy-three pounds sixteen shillings and sixpence three farthings	£173 16*s.* 6¾*d.*
Falmouth	0 0 0	19 18 0	259 5 11¼	Two hundred and seventy-nine three shillings and elevenpence one farthing	279 3 11¼
	£0 0*s.* 0*d.*	£127 4*s.* 0*d.*	£2,612 14*s.* 8¼*d.*	Twenty-seven hundred and thirty-nine pounds eighteen shillings and eightpence farthing	£2,739 18*s.* 8¼*d.*

IN THE COUNTY OF BRISTOL.

Taunton	£0 0*s.* 0*d.*	£32 9*s.* 0*d.*	£681 17*s.* 6*d.*	Seven hundred and fourteen pounds six shillings and sixpence	£714 6*s.* 6*d.*
Rehoboth	0 0 0	29 15 0	799 7 6	Eight hundred and twenty-nine pounds two shillings and sixpence,	829 2 6
Swanzey with Shawamet	0 0 0	27 8 0	503 18 1½	Five hundred and thirty-one pounds six shillings and one penny halfpenny	531 6 1½
Dartmouth	0 0 0	32 15 0	1,287 5 3¾	One thousand three hundred and twenty pounds and threepence three farthings	1,320 0 3¾
Norton	0 0 0	28 5 0	458 16 6¾	Four hundred and eighty-seven pounds one shilling and sixpence	487 1 6
Attleborough	0 0 0	29 7 0	425 18 9	Four hundred and fifty-five pounds five shillings and ninepence	455 5 9
Dighton	0 0 0	8 3 0	295 6 3	Three hundred and three pounds nine shillings and threepence	303 9 3
Freetown	0 0 0	28 3 0	301 15 11¼	Three hundred and twenty-nine pounds eighteen shillings and elevenpence one farthing	329 18 11¼
Raynham	0 0 0	0 0 0	152 6 10½	One hundred and fifty-two pounds six shillings and tenpence halfpenny	152 6 10½
Easton	0 0 0	0 0 0	193 11 10½	One hundred and ninety-three pounds eleven shillings and tenpence halfpenny	193 11 10½
Berkley	0 0 0	0 0 0	167 16 3	One hundred sixty-seven pounds sixteen shillings and threepence	167 16 3
	£0 0*s.* 0*d.*	£216 5*s.* 0*d.*	£5,268 0*s.* 11¼*d.*	Five thousand four hundred eighty-four pounds five shillings and elevenpence farthing	£5,484 5*s.* 11¼*d.*

IN THE COUNTY OF YORK.

York	£0 0s. 0d.	£35 1s. 0d.	£687 16s. 3d.	Seven hundred and twenty-two pounds seventeen shillings and threepence	£722 17s. 3d.
Kittery	0 0 0	25 10 0	715 4 8¼	Seven hundred and forty pounds fourteen shillings and eightpence one farthing	740 14 8¼
Wells	0 0 0	25 2 0	363 15 0	Three hundred and eighty-eight pounds seventeen shillings	388 17 0
Berwick	0 0 0	19 17 0	565 6 3	Five hundred and eighty-five pounds three shillings and threepence,	585 3 3
Arundell	0 0 0	6 16 0	186 19 0¾	One hundred and ninety-three pounds fifteen shillings and three farthings	193 15 0¾
Biddeford	0 0 0	3 12 0	344 13 9	Three hundred and forty-eight pounds five shillings and ninepence,	348 5 9
Narraganset, No. One	0 0 0	0 0 0	44 7 6	Forty-four pounds seven shillings and sixpence	44 7 6
	£0 0s. 0d.	£115 18s. 0d.	£2,908 2s. 6d.	Three thousand and twenty-four pounds and sixpence	£3,024 0s. 6d.

IN THE COUNTY OF CUMBERLAND.

Falmouth	£0 0s. 0d.	£35 10s. 0d.	£1,035 17s. 2½d.	One thousand and seventy-one pounds seventeen shillings and twopence one farthing	£1,071 17s. 2¼d.
North Yarmouth	0 0 0	24 9 0	184 15 3¾	Two hundred and nine pounds four shillings and threepence three farthings	209 4 3¾
Scarborough	15 12 10	20 18 0	395 17 2¼	Four hundred and thirty-two pounds eight shillings and one farthing	432 8 0¼
Brunswick	0 0 0	0 0 0	164 10 7½	One hundred and sixty-four pounds ten shillings and sevenpence halfpenny	164 10 7½
Harpswell	0 0 0	0 0 0	123 16 6¾	One hundred and twenty-three pounds sixteen shillings and sixpence three farthings	123 16 6¾
Goreham Town	0 0 0	0 0 0	73 16 6¾	Seventy-three pounds sixteen and sixpence three farthings	73 16 6¾
New Marblehead	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence	36 17 6
	£15 12s. 10d.	£80 17s. 0d.	£2,015 10s. 11¼d.	Two thousand one hundred and twelve pounds nine shillings and ninepence one farthing	£2,112 9s. 9¼d.

IN THE COUNTY OF LINCOLN.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Pownallborough .	£0 0s. 0d.	£0 0s. 0d.	£141 15s. 11¼d.	One hundred and forty-one pounds fifteen shillings and elevenpence one farthing	£141 15s. 11¼d.
Georgetown . .	0 0 0	0 0 0	251 5 0	Two hundred and fifty-one pounds five shillings	251 5 0
Newcastle . .	0 0 0	0 0 0	102 16 3	One hundred and two pounds sixteen shillings and threepence .	102 16 3
Topsham . . .	0 0 0	0 0 0	63 15 0	Sixty-three pounds fifteen shillings	63 15 0
Woolwich . .	0 0 0	0 0 0	92 5 3¾	Ninety-two pounds five shillings and threepence three farthings .	92 5 3¾
	£0 0s. 0d.	£0 0s. 0d.	£651 17s. 6d.	Six hundred and fifty-one pounds seventeen shillings and sixpence,	£651 17s. 6d.

IN THE COUNTY OF DUKES-COUNTY.

Edgartown . .	£0 0s. 0d.	£21 16s. 0d.	£202 10s. 0d.	Two hundred and twenty-four pounds six shillings	£224 6s. 0d.
Chilmark . . .	8 11 5	26 12 0	216 12 9¾	Two hundred and and fifty-one pounds sixteen shillings and two-pence three farthings	251 16 2¾
Tisbury . . .	0 0 0	29 7 0	147 3 9	One hundred and seventy-six pounds ten shillings and ninepence .	176 10 9
	£8 11s. 5d.	£77 15s. 0d.	£566 6s. 6¾d.	Six hundred and fifty-two pounds twelve shillings and elevenpence three farthings	£652 12s. 11¾d.

IN THE COUNTY OF NANTUCKET.

Sherburne . .	£0 0s. 0d.	£11 16s. 0d.	£885 12s. 6d.	Eight hundred and ninety-seven pounds eight shillings and sixpence,	£897 8s. 6d.

Suffolk	0 0 0	450 10 0	15,516 5 4	Fifteen thousand nine hundred and sixty-six pounds fifteen shillings and fourpence	15,966 15 4
Essex	8 12 8	503 12 0	13,514 1 3	Fourteen thousand and twenty-six pounds five shillings and elevenpence	14,026 5 11
Middlesex	41 7 9	612 18 0	10,720 18 9	Eleven thousand three hundred and seventy-five pounds four shillings and sixpence	11,375 4 6
Hampshire	22 2 1	183 10 0	5,724 8 5	Five thousand nine hundred and thirty pounds and sixpence	5,930 0 6
Berkshire	0 0 0	47 1 0	849 7 6	Eight hundred and ninety-six pounds eight shillings and sixpence	896 8 6
Worcester	55 6 3	496 6 0	8,124 3 10½	Eight thousand seven hundred and six pounds seventeen shillings and eightpence halfpenny	8,706 17 8½
Plymouth	0 0 0	341 3 0	5,642 3 9	Five thousand nine hundred and eighty-three pounds six shillings and ninepence	5,983 6 9
Barnstable	0 0 0	127 4 0	2,612 14 8¾	Two thousand seven hundred and thirty-nine pounds eighteen shillings and eightpence farthing	2,739 18 8¾
Bristol	0 0 0	216 5 0	5,268 0 11¼	Five thousand four hundred and eighty-four pounds five shillings and elevenpence farthing	5,484 5 11¼
York	0 0 0	115 18 0	2,908 2 6	Three thousand and twenty-four pounds and sixpence	3,024 0 6
Cumberland	15 12 10	80 17 0	2,015 10 11¼	Two thousand one hundred and twelve pounds and ninepence one farthing	2,112 0 9¼
Lincoln	0 0 0	0 0 0	651 17 6	Six hundred and fifty-one pounds seventeen shillings and sixpence,	651 17 6
Dukes County	8 11 5	77 15 0	566 6 6¾	Six hundred and fifty-two pounds twelve shillings and elevenpence three farthings	652 12 11¾
Nantucket	0 0 0	11 16 0	885 12 6	Eight hundred and ninety-seven pounds eight shillings and sixpence,	897 8 6
	£151 13*s.* 0*d.*	£3,264 15*s.* 0*d.*	£75,000 0*s.* 0*d.*	Seventy-eight thousand four hundred and forty-seven pounds nine shillings and sevenpence	£78,447 9*s.* 7*d.*

And be it further enacted,

Rules for assessment.

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls, above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at ten shillings per poll, and proportionably in assessing the fines mentioned in this act, and the additional sum received out of the treasury, for the payment of representatives (excepting the governor, lieutenant-governor, and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers, and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls, or abate part of what they are set at, as, in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to their province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying with* the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profit, in their improvement, according † their understanding or cunning, at twelvepence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making their assessment, to estimate houses and lands at six years' yearly rent whereat the same may be reasonably set or let for in the place where they lye: *saving* all contracts between landlord and tenant, and, where no contract is, the landlord to re-imburse one-half of the tax set upon such houses and lands; and to estimate negro, Indian and mollatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; and every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old, at three shillings each; the several creatures above mentioned, to be taxed to their respective owners or occupants, by the assessors of the towns in which the owners or occupiers dwell: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and

* *Sic:* within.
† "to" evidently omitted.

how much for houses and lands, and how much for personal estate, and income by trade or faculty, and if as guardians, or for any estate, in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector, constable or constables of any such town, district, parish or place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, some time before the last day of November next.

[Sect. 4.] And the treasurer for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector, or constable or constables of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirty-first day of March, which will be in the year of our Lord one thousand seven hundred and sixty-three.

And be it further enacted,

Inhabitants to bring in a true list of their polls, estate, &c.

[Sect. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making of the assessment, shall give seasonable warning to the inhabitants, in a town-meeting, or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way to give or bring in to the assessors true and perfect lists of their polls, rateable estate, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid in to the town, district or parish treasurer for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[Sect. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support

of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it therefore enacted,

Transient traders to be rated.

[SECT. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade, to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected, as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[SECT. 8.] That when any merchant, trader or factor, shall set up a store, and traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are impowered to rate and assess all such merchants, traders and factors, their goods and merchandizes, for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit the list of such persons before they are rated.

[SECT. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same.

And whereas it has been the practice of some of the inhabitants of the town of Boston to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of said town,—

Be it therefore enacted,

Inhabitants of Boston who remove out of town and return in a year, to pay their tax in said town.

[SECT. 10.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in said town, he shall be subject to pay said taxes, in like manner as he would have been had he not have removed from said Boston (*saving* so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding.

And be it further enacted,

Treasurer empowered to issue a further warrant for an assessment, in case, &c.

[SECT. 11.] That if the treasurer shall not receive so much of the several parliamentary grants by this act appropriated for the redemption of the treasurer's notes that shall become due in June next, and the general court shall not otherwise provide for the redemption of said notes on or before the twentieth day of January next, then, and in that case, he shall issue forth his warrants, directed to the selectmen or assessors in each of the towns and districts within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective part and proportion of whatever sums shall be wanting of the said parliamentary grants, for the purpose aforesaid, to be paid into the publick treasury by the thirty-first day of March, one thousand seven hundred and sixty-three; and the assessors, as also all persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act. [*Passed June* 12.*

* Signed June 15, according to the record.

CHAPTER 13.

AN ACT IN ADDITION TO THE SEVERAL ACTS MADE TO PREVENT DAMAGE BY FIRE IN THE TOWN OF BOSTON.

Preamble. 1692-93, ch. 13. 1711-12, ch. 5. 1748-49, ch. 14. 1759-60, ch. 30. 1760-61, chaps. 9 and 32.

Whereas great damage has arisen from fire which has began in bake-houses, and spread to the buildings adjacent,—

Be it enacted by the Governor, Council and House of Representatives,

Bake-houses to be licensed.

[Sect. 1.] That from and after the publication of this act, it shall not be lawful for any person to occupy or improve any tenement or building, whatsoever, in any part of the town of Boston, for the business or employment of baking of bread, for sale, other th[e][a]n such as are now occupied and improved for that use, unless in such parts of the town as the justices of the peace and selectmen of the said town, or the major part of both, shall determine convenient,—such determination to be certified under their hands; and if any person shall offend against this act, he shall forfeit and pay the sum of forty pounds for every six months, (and so in proportion for a greater or lesser time), he shall so occupy or improve any tenement or building that shall not be licen[s][c]ed or allowed, as aforesaid, other than such as are now occupied or improved for that use; one half thereof to be paid for the use of the poor of the town of Boston, the other half to him or them that shall inform and sue for the same: to be recovered before the court of general sessions of the peace for the county of Suffolk.

Penalty for improving such without license.

Continuance of the act.

[Sect. 2.] This act to continue in force until[l] the thirtieth day of January, one thousand seven hundred and seventy-one, and no longer. [*Passed June* 15.*

* Published June 12, according to the printed acts.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE EIGHTH DAY OF SEPTEMBER, A.D. 1762.

CHAPTER 14.

AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND IN THE COUNTY OF LINCOLN, INTO A TOWNSHIP BY THE NAME OF BOW DOINHAM.

Preamble.

WHEREAS the inhabitants of a certain tract of land, lying on the west side of Kennebec[*k*] River, in the county of Lincoln, are des[*irous**] of enjoying the privile[*d*]ges that will arise to them by being incorporated into a town,—

Be it enacted by the Governor, Council and House of Representatives,

Bowdoinham bounds.

[SECT. 1.] That the tract of land aforesaid, butted and bounded as follows; v[*iz.**], beginning upon Kennebec[*k*] River, on the northerly line of a lot of land containing thirty-two hundred acres, being lot number four, granted [*by the**] proprietors of the Kennebec[*k*] purchase from the late colony of New Plymouth, to William Bowdoin, Esq., —the line aforesaid being about four miles [*above**], or to the northward of, a point of land called Abagadusset Point, which makes the most northerly part of Merrymeeting Bay, in said river, and [*where**] said bay begins on that side; from thence; viz[1]., from the river aforesaid, where said line strikes it, to run a west-north-west course, upon the n[*ortherly**] line of the lot aforesaid, five miles; and from the end of said five miles, to run a south-south-west course 'till it shall strike a line running, from [*the south-**]westerly end of Brick Island, a west-north-west course into the land (this line being the southerly line of a tract of land granted by the proprietors aforesaid to James Bowdoin, Esq[r].); and from thence, running an east-south-east course, upon the last-mentioned line, to the south-westerly end of the island, aforesaid, which l[*y*][*i*]es in Merrymeeting Bay, and [*con**]tains about ten acres, more or less; and from thence, running (including said island) to Abagadusset Point aforesaid; and from thence, up the river aforesaid, to the line first mentioned,—be and hereby is erected into a township by the name of Bowdoinham; and that the inhabitants thereof be and hereby are invested with all the powers, privile[*d*]ges and immunities which the inhabitants of the towns within this province respectively do, or by law ought to, enjoy.

Town privileges.

And be it further enacted,

Town-meeting to be notified.

[SECT. 2.] That William Lithgow, Esq., be and he hereby is impowered to issue his warrant, directed to some principal inhabitant in said township, to notify and warn the inhabitants in said township, qualified by law to vote in town affairs, to meet at such time and place

* Parchment mutilated.

as shall be therein set forth, to choose all such officers as shall be necessary to manage the affairs of said township. [*Passed and published September* 18.

CHAPTER 15.

AN ACT FOR ERECTING THE SOUTH PART OF BRIMFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT BY THE NAME OF SOUTH BRIMFIELD.

Preamble.

Whereas the inhabitants of the south part of Brimfield, in the county of Hampshire, have represented to this court the great difficulties and inconveniences they labour under in their present situation, and have earnestly requested that they may be incorporated into a district,—

Be it therefore enacted by the Governor, Council and House of Representatives,

South Brimfield bounds.

[Sect. 1.] That the said south part of Brimfield, bounded as follows; viz[t]., beginning with the first bounds, in the colony line, at the south-west corner of Sturbridge, being the south-east corner of Brimfield; from thence, to run first, north, in the line between said Brimfield and Sturbridge, to the north line of the farm called Winthrop's farm, being four miles; thence, to run west, about eight degrees north, in the north line of said farm, to the north-west corner thereof, and so to extend, the same course, or a parallel line with the colony line, to the east line of Monson district, being about six miles and an half; then, to turn and run south, in the line between said Brimfield and Monson, to the colony line, being four miles; and from thence, in said colony line, to the first mentioned boundary,—be and is hereby incorporated into a distinct and seperate district by the name of South Brimfield; and that the said district be and hereby is invested with all the priviledges, powers and immunities, that towns in this province do and by law may enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of said district shall have full power and right, from time to time, to join with the town of Brimfield in the choice of a representative or representatives; in which choice they shall enjoy all the priviledges which the inhabitants of the several towns within this province are intit[u]led to; and that the selectmen of the town of Brimfield, as often as they shall call a meeting for the choice of a representative, shall give seasonable notice to the clerk of said district, for the time being, of the time and place of said meeting, to the end that the said district may join them therein; and the clerk of said district shall set up, in some public[k] place in said district, a notification thereof accordingly: which representatives may be chosen indifferently from said town or district; the pay and allowance to be born by said town and district and the district of Monson, in proportion as they shall, from time to time, pay to the province tax.

To join with Brimfield in choosing representatives.

Provided, nevertheless,—

And be it further enacted,

Proviso.

[Sect. 2.] That the said district shall pay their proportion of all town, county and province taxes, already set on, or granted to be raised by, said town of Brimfield, as if this act had not been made.

And be it further enacted,

District-meeting to be notified.

[Sect. 3.] That Josiah Dwight, Esq[r]., be and hereby is [e][i]mpowered to issue his warrant, directed to some principal inhabitant in said district, requiring him to notify and warn the inhabitants of said district, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to man[n]age the affairs of said district. [*Passed and published September* 18.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWELFTH DAY OF JANUARY, A.D. 1763.

CHAPTER 16.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF FORTY-FIVE THOUSAND POUNDS.

Preamble.

WHEREAS no provision is made by this court to pay off the forces employed by this government for their services in the year one thousand seven hundred and sixty-two, under the command of General Amherst; and a further sum is necessary to pay off the forces that were employed by this government in the year one thousand seven hundred and sixty-one, who continued in the service over the winter following, under the command of the aforesaid general; and a further sum is also necessary to defrey the common charges of government to May next; therefore, to support the faith and credit of the government, and to defrey the charges aforesaid,—

Be it enacted by the Governor, Council and House of Representatives.

Treasurer empowered to borrow £45,000.

[SECT. 1.] That the treasurer be and he hereby is directed and empowered to borrow, of such persons as shall appear ready to lend, a sum not exceeding forty-five thousand pounds; and for every such sum so borrowed the treasurer shall give his receipt or obligation in the form following; viz[t].,—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of , A. D. 176 . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay to the said or to his order, on the twentieth day of June, A. D. one thousand seven hundred and sixty-six, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act. made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within this government," and according to the rates therein mentioned, with interest, annually, at six per cent.

1749-50, chap. 19.

Witness my hand, H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

—and no receipt or obligation shall be given for a less sum than six pounds.

[SECT. 2.] And the treasurer, in issuing said recei[p]ts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of

this province, made in the second year of his present majesty's reign, intituled "An Act to supply the treasury with the sum of twenty-five thousand pounds." 1761-62, chap. 23.

And be it further enacted,

[Sect. 3.] That the said forty-five thousand pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, three thousand pounds, part of the aforesaid sum of forty-five thousand pounds, shall be applied for the compleating the payment of the forces in the year one thousand seven hundred and sixty-one; and the further sum of forty thousand pounds, part of the aforesaid sum of forty-five thousand pounds, shall be applied for the payment of the forces for their service in the year one thousand seven hundred and sixty-two; and the remaining sum of two thousand pounds, part of the aforesaid sum of forty-five thousand pounds, shall be applied for the payment of [the] grants made or to be made by this court. Money borrowed, how to be applied.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act,—

Be it enacted,

[Sect. 4.] That there be and hereby is granted unto his most excellent majesty a tax of fifty-four thousand pounds, to be levied on polls, and estates both real and personal within this province, according to such rules, and in such proportions on the several towns and districts within this province as shall be agreed on and ordered by the general court or assembly at their session in June, one thousand seven hundred and sixty-five; and to be paid into the public treasury on or before the thirty-first day of March, one thousand seven hundred and sixty-six. Tax of £54,000, granted in 1765.

And be it further enacted,

[Sect. 5.] That if the general court at their session in June, one thousand seven hundred and sixty-five, and some time before the twentieth day of June in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed, and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax then last preceeding. Rule for apportioning the tax in case no tax act shall be agreed on.

[Sect. 6.] And the province treasurer is hereby fully empowered and directed, some time in said month of June, in the same year, one thousand seven hundred and sixty-five, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on the afore-mentioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act.

And be it further enacted,

[Sect. 7.] That the treasurer pay the sum of forty-five thousand pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts, after payment thereof,— Money to be paid out of the respective appropriations.

Provided, always,—

Proviso.

[SECT. 8.] That the remainder of the sum that shall be brought into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatever. [*Passed January* 21; *published February* 26, 1763.*

CHAPTER 17.

AN ACT FOR ERECTING A NEW PLANTATION IN THE COUNTY OF HAMPSHIRE, CALLED ROXBURY-CANADA, TOGETHER WITH SUNDRY FARMS LYING THEREIN, ALSO A PIECE OF LAND BELONGING TO THIS PROVINCE, LYING ON THE NORTHERLY SIDE THEREOF, INTO A TOWN BY THE NAME OF WARWICK.

Preamble.

WHEREAS the new plantation called Roxbury-Canada, in the county of Hampshire, labours under many difficulties and inconvenienc[*i*]es by means of their not being a town; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Town of Warwick incorporated.

[SECT. 1.] That the said new plantation, called and known by the name of Roxbury-Canada, together with sundry farms lying therein, and a piece of land lying on the northerly side of said township, belonging to this province; the whole bounded, west, on Northfield; south, partly on Ervingshire and partly on Athol; easterly, on Roy-al[l]shire; northerly, on the province line; be and hereby is erected into a town by the name of Warwick; and that said town be and hereby is invested with all the powers, privile[d]ges and immunities that any of the towns in this province do or may by law enjoy.

And whereas the inhabitants of said new plantation have petitioned the general court that there might be a tax of one penny per acre laid on all private property in said township, for defreying the charges that have and may arise within the same, and the proprietors and inhabitants having agreed thereto, for the space of three years, on the conditions following; viz[t]., that the said inhabitants shall become obliged to pay their reverend pastor, Mr. Lemuel Hedge, his salary, for the future, so as fully to indemnify the said proprietors from any further charges respecting the same,—

Be it therefore enacted,

Provision for paying the present minister's salary.

[SECT. 2.] That there be and hereby is granted a tax of one penny per acre, to be levied and assessed upon all lands that are private property in said township, for the term of three years next ensuing, to the support of the minister, and other necessary charges within the same, on conditions that said inhabitants shall speedily become obliged to their said reverend pastor for his support in the ministry amongst them, so as fully to discharge the proprietors from any further demands on account thereof, except it be by the further orders of this government.

And be it further enacted,

Inhabitants to be warned.

[SECT. 3.] That Seth Field, Esq[r]., be and hereby is [e][*i*]mpowered to issue his warrant, directed to some principal inhabitant of said town, requiring him to warn the inhabitants of said town, qualified to vote in town affairs, to assemble at some suitable place in said town, to chuse

* Signed and published February 25, 1763, according to the record and the printed acts.

all necessary officers to manage the affairs of said town, and to assess, levy and collect the aforesaid land-tax. [*Passed February* 17; * *published February* 26, 1763.

CHAPTER 18.

AN ACT FOR THE RELIEF OF POOR PRISONERS FOR DEBT.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That when any person[s], standing committed for debt or damages, shall complain that he or she hath not estate sufficient to support him or herself in prison, the goaler or keeper of such prison shall, at the request of such prisoner, apply to two justices of the peace within the county, *quorum unus;* who shall thereupon make out a notification, under their hands and seals, to be served on the creditor or creditors of such prisoner, if he, she or they live within this province, his or her executor, administrator, agent or attorney, who brought forward the suit upon which judgment was made up and execution issued, upon which the prisoner stands committed, by reading the same to them, or by leaving an attested copy thereof at the place of his or her or their usual abode, or, if out of the province, then to be left at the place of the usual abode of such creditor or creditors' agent or attorney, as aforesaid, thereby signifying to him, her or them, such prisoner's desire of taking the priviledge and benefit allowed in and by this act; and of the time and place appointed for the intended caption of his or her oath; which notification shall be served at least forty days before the caption, and so certified to the justices, that he, she or they may be present, if they see cause; and in case any creditor lives out of this province, and hath no agent or attorney in it as aforesaid, the justices shall cause a notification to be left with the clerk of the court from which the execution issued, fifty days before the intended caption: and such justices, or, in case of their non-attendance, then any other two justices, *quorum unus*, are hereby [e][*i*]mpow[e]red to administer to the debtor, if they think proper so to do, after they have fully examined and heard the parties, the following oath; viz[t].,—

Prisoners for debt, who have no estate, to apply to two justices.

1759–60, chap. 12.

Justices' notification to the creditors, how to be served.

I, A. B., do, upon my oath, solemnly profess and declare, before Almighty God, that I have not any estate, real or personal, in possession, reversion or remainder, sufficient to support myself in prison, or to pay prison charges; and that I have not, since the com[m]encement of this suit upon me, nor at any other time, directly or indirectly, sold, leased, or otherwise conveyed, or disposed of to, or intrusted any person or persons whomsoever with, all or any part of the estate, real or personal, whereof I have been the lawful owner or possessor, with any intent or design to secure the same, or to receive or to expect any profit or advantage therefrom; or done, caused or suffered to be done, anything else what[*so*†]ever whereby any of my creditors may be defrauded. So help me God.

Form of the oath.

—which oath being taken by such prisoner, and certificate thereof made, under the hands and seals of the justices administring the same, to the goaler or keeper, he shall thereupon set such prisoner at liberty, unless the creditor or creditors, agent or attorney, notified as aforesaid, his, her or their executor or administrator, shall give security to the goaler or keeper, for the payment of four shillings and sixpence per

Prisoners to be discharged, in case.

* Signed February 25, according to the record.
† Erased, in the parchment.

week for and towards the support of such prisoner while he or she shall be detained in prison; and the goaler or keeper shall detain and keep in custody such prisoner, so long as said sum shall be paid, but upon failure of payment thereof shall set him or her at liberty.

[SECT. 2.] And in case the goaler shall refuse or delay to discharge any prisoner who has complied with this act, he shall forfeit and pay to the prisoner the full sum for which he stands committed, to be recovered by action of debt in any court proper to try the same.

And be it further enacted,

Penalty for prisoner's having acted contrary to his oath. 1692-93, chap. 18, § 9.

[SECT. 3.] That if any such prisoner as aforesaid shall be convicted of having sold, leased or otherwise conveyed or disposed of, or intrusted, his or her estate, or any part thereof, directly or indirectly, contrary to his or her foregoing oath, he shall not only be liable to the pains and penalties mentioned in the act for punishing of wilful perjury, but shall receive no benefit from his oath; or in case such prisoner, at the time of the intended caption, shall not take the aforesaid oath, or be not admitted thereto by the justices, he or she shall be remanded back to the goal, and shall not be intitled to the benefit of this act, unless a new notification be made and served in manner aforesaid.

Judgment to remain good against estate of prisoners.

[SECT. 4.] And all and every judgment obtained against such prisoner shall, notwithstanding such discharge as aforesaid, be and remain good and effectual in law, to all intents and purposes, against any estate, whatsoever, which may then or at any time afterwards belong to him; and the creditor or creditors, agent or attorney, their executors or administrators, may take out a new execution against the lands, tenements, hereditaments, goods and chatt[*e*]l[e]s of such prisoner[*s*] (his wearing apparel, bedding for himself or his family, and tools necessary for his trade or occupation, only excepted), for the satisfaction of the debt, in such sort and manner as might have been done in case such prisoner had never been taken in execution.

Provided, nevertheless,—

And it is hereby declared,

Proviso.

[SECT. 5.] That such prisoner as aforesaid shall only be discharged from the execution or executions whereon such process, as is before mentioned, has been had, and not from any other whereon he or she may be committed, until the oath and directions before described be taken and attended; nor shall this act be construed to extend to any person in custody for any [t][*f*]i[m][*n*]e imposed upon him.

Continuance of the act.

[SECT. 6.] This act [shall][*to*] continue and be in force from the second day of April next, until the second day of April, which will be in the year of our Lord one thousand seven hundred and seventy. [*Passed February* 17; *published February* 26, 1763.*

CHAPTER 19.

AN ACT DECLARING AND REGULATING THE STANDARD OF WHEAT IMPORTED INTO THIS PROVINCE, AND FOR PREVENTING ABUSES BY MILLERS.

Preamble.

WHEREAS this province hath taken care to regulate its exports, that the subjects of our lord the king in other parts may suffer no damage by fraud and deceit, of any kind, in such exports, and justice requiring that its imports should be so regulated as that his majesty's subjects

* Signed and published February 25, 1763, according to the record and the printed acts.

here, may not suffer like damage by deceit and fraud in such imports: *and whereas* there having been established no standard of the weight of wheat here, and it being sold only by measure, light wheat is here imported, where it procures a like price with that of due weight, and, other markets being better regulated, this province suffers great damage and loss,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Weight of wheat, ascertained.

[Sect. 1.] That from and after the first day of July next, all wheat offered for sale shall be, when cleansed of dirt and gravel, of the following weight; to wit, light-coloured wheat shall be of the weight of fifty-eight pounds each bushel; and all other sorts of wheat shall be of the weight of sixty pounds each bushel; and if any shall be of greater weight, it shall be deemed so much better than merchantable as its weight, in the bushel, shall exceed the regulation aforesaid; and if any wheat shall be of less weight, it shall be deemed so much worse than merchantable as its weight falls short of the said regulation; and in both cases a proportionable allowance shall be made accordingly.

And be it further enacted,

Measurers of wheat to be appointed, and measures provided.

[Sect. 2.] That the court of general sessions of the peace, in each county in this province wherein are any seaport towns, shall be and they are hereby [e][*i*]mpowered, yearly to appoint measurers of grain in every such town (so many as they shall judge convenient) who shall each be provided, at the expence of their respective towns, with two half-bushel measures, of the Winchester standard, which shall each have on the top thereof one strip of iron crossing the same, supported by an iron studd in the center thereof; and shall also be provided, each, with proper scales and weights, at the expence of their towns, to weigh at least one bushel at a time.

[Sect. 3.] And such measurers shall be sworn to the faithful discharge of their office; and at all times shall attend at the request of the buyer of any wheat, to measure the same, and shall weigh as many bushels as either the buyer or seller shall desire, and from the mean weight shall determine whether the wheat so sold be of greater or less weight than the standard weight aforesaid, and thereof shall give both to the buyer and seller a certificate of the tenor following; viz[t].,—

Form of certificate.

B—— A.D. 17 Measured bushels of wheat well cleansed, and it weighs (one bushel with another) pounds each bushel; being sold by A. B. to C. D.

E. F., measurer of grain for the town of B.

Measurer's fees.

And for such his service he shall receive one halfpenny per bushel for any quantity not exceeding twenty bushels; and if the quantity exceeds twenty bushel[l]s, and shall not be more than fifty bushels, he shall receive one halfpenny per bushel for twenty bushels, and one-third of a penny for the surplusage; and if the quantity shall exceed fifty bushels, he shall receive for the whole at the rate of one farthing, only, per bushel, and twopence for each certificate: the charge of the whole to be borne equally by the buyer and seller; and if any master of a vessel, or other importer or seller of wheat, shall refuse to have his wheat so measured, and shall expose it to sale, he shall forfeit the sum of three pounds for every such refusal.

Penalty on refusal of having wheat measured, and on measurers.

[Sect. 4.] And if any measurer of grain, appointed in pursuance of this act, shall be guilty of any fraud or deceit in measuring or weighing, and be thereof convicted, by verdict of a jury, he shall forfeit the sum of five pounds for every such default, and shall be immediately, upon such verdict, removed from his office aforesaid; and the said court of sessions, if then sitting, if not, the selectmen of the town for which

such measurer shall have been appointed, shall immediately appoint another in his room: and if any such measurer shall refuse to attend his duty aforesaid, when thereto called, without reasonable cause, he shall forfeit the sum of ten shillings for every such refusal.

Preamble. *And whereas*, notwithstanding the many wholsome provisions already made to prevent injustice by millers, great complaints are made thereof, more especially in the towns of Boston, Roxbury and Charlestown,—

Be it enacted,

Millers to be provided with suitable stones, fans and screens. [SECT. 5.] That every miller in the towns of Boston, Roxbury and Charlestown, shall, by the last day of July in this present year, be provided with suitable mill-stones, fans and s[c][k]reens, needful for the cleansing, well-grinding, and making, good meal, out of all sorts of English grain; and shall keep them in suitable order, and shall use the same in the cleansing and grinding of such grain only, and no other grain, on penalty of the sum of ten pounds for such neglect, and the sum of two

Penalty. pounds for every month he shall continue thereafter in the neglect thereof: and the selectmen of said towns, respectively, for the time being, are hereby empowered and directed to inspect the mill-stones, fans and screens used for the purpose aforesaid; and if they, or a major part of them, shall judge such mill-stones, fans [or] [*and*] screens unsuitable, they are hereby [e][*i*]mpowered and enjoined to bring an action or actions for recovery of the penalty aforesaid. And every miller in the towns aforesaid, if desired, shall weigh the grain and meal brought to and carried from his mill; and if he shall refuse so to do, for every such refusal he shall forfeit the sum of five shillings.

Provided, always,—

Proviso. [SECT. 6.] That all such dirt and gravel as shall, by the said fans and screens, be prevented mingling with the meal, shall be weighed, if the miller thinks proper, and reckoned to the owner of the grain; but if he shall not think proper to weigh the same, and the owner and miller cannot agree what allowance shall be made, such dirt and gravel shall not be reckoned to such owner: and the miller shall be allowed to take, as toll, the sixteenth part of the neat grain of all sorts by him ground, and no more, under the penalty of two pounds for each offence.

Fines, how to be disposed of. [SECT. 7.] All fines and forfeitures arising by this act, shall be one half to the poor of the town where the offence is committed, the other half to the informer; and may be recovered by bill, plaint or information, in any court of record, or before any of his majesty's justices of the peace, within this province, if the sum forfeited does not exceed forty shillings.

Continuation of the act. [SECT. 8.] This act to continue and be in force for the term of five years from the first day of July next, and until the end of the then next session of the general court, and no longer. [*Passed February* 17; *published February* 26, 1763.*

CHAPTER 20.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

Preamble. WE, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the public[k] debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty,

* Signed and published February 25, 1763, according to the record and the printed acts.

for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-three, to the twenty-fifth day of March, one thousand seven hundred and sixty-four, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize, that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz[t].,—

Rates of impost.

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum, containing one hundred gallons, eight shillings.

For every hogshead of sugar, fourpence.

For every hogshead of mol[o][a]sses, fourpence.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, fourpence.

—And so, proportionably, for a greater or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings value, excepting such goods as are the product or manufacture of Great Britain.

Double impost to be paid for goods imported by the inhabitants of other colonies, &c.

[Sect. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize (excepting tea, which shall only pay fourpence) that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of the said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided always*, that every thing which is the growth or produce of the provinces or colonies aforesaid (tobacco and bar-iron excepted), and all provisions, salt, cotton-wool, pig-iron, mahog[o][a]ny, brazilleto, black-walnut, lignum-vitæ, red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

Proviso.

And be it further enacted,

Drawback of the whole impost to the exporter, in case.

[Sect. 3.] That all goods, wares and merchandize, the property of any of the inhabitants of any of the neighbouring provinces or colonies on this continent, that shall be imported into this province, and shall have paid, or on which there shall have been secured to be paid, the duty of impost, by this act provided to be paid, and afterwards shall be exported and landed in any of the said provinces or colonies on this continent, then and in such case the exporter, producing a certificate from some officer of his majesty's customs, that the same has been landed in some of the provinces or colonies aforesaid, shall be allowed a drawback of the whole duty of impost by him paid, or secured to be paid, as by this act provided.

And be it further enacted,

Masters of vessels, to make report.

[Sect. 4.] That the master of every ship or vessel coming into this province from any other place, shall, within twenty-four hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner aforesaid, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantities of all

wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he will forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

To forfeit, in case of breaking bulk.

[SECT. 5.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[SECT. 6.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make an entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz[t].,—

Oath.

You, A. B., do swear that the entry of goods and merchandize by you now made, exhibits the sterling value of said goods, and that, *bonâ fide*, according to your best skill and judgment, it is not less than that value. So help you God.

—which oath the commissioner or receiver, appointed in consequence of this act, is hereby [e][*i*]mpowered and directed to administer; and the owners aforesaid shall pay to the said commissioner, or give security to

Duties to be paid before landing.

pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

[SECT. 7.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or in any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 8.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consign[e]d, then the cask wherein the same are, shall be gauged, at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

Commissioner allowed to give credit.

[SECT. 9.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds; which credit shall be so limited as that he shall settle and ballance his accompts with every person on, or before the twenty-sixth day of March, one thousand seven hundred and sixty-four, that the said acco[mp][*un*]ts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry to what value soever.

And be it further enacted,

Importer by land-carriage or in small vessels, to make report.

[Sect. 10.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fifth day of March, one thousand seven hundred and sixty-three, and until the twenty-sixth day of March, one thousand seven hundred and sixty-four, by land-carriage or in small vessels and boats, shall make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put into any store or place whatsoever.

And be it further enacted,

Allowance for leakage.

[Sect. 11.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship of vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for such port, on pain of forfeiting the sum of one hundred pounds.

[Sect. 12.] And if it may be made to appear that any wine imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered, or the duty not paid.

[Sect. 13.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, to and for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize, imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of impost in such port, or his order, who is hereby [e][*i*]mpowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

Master liable to be sued.

[Sect. 14.] That the commissioner or receiver of the impost, in each port, shall be and hereby is [e][*i*]mpowered to sue the master of any ship or vessel for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entered, and the duty of impost therefor not paid, or secured

to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ships, &c., liable to be taken in execution.

[SECT. 15.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost ha[th][*ve*] not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby [e][*i*]mpowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto the owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[SECT. 16.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel, outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store, to be allowed.

[SECT. 17.] And the commissioner or receiver of impost is hereby [e][*i*]mpowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

And for the more effectual preventing any wines, rum or other distilled spirits being brought into the province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost,—

Be it enacted,

Commissioner to appoint officers in places where wines, rum, &c., may be brought out

[SECT. 18.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby [e][*i*]mpowered and enjoined to appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine,

rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are also [e][i]mpowered to search, in all suspected places, for such wines, rum or other distilled spirits, or tea, brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided. of other governments.

And be it further enacted,

[Sect. 19.] That the commissioner or his deputies shall have power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned. Commissioner or deputies empowered to administer the oaths, &c.

And be it further enacted,

[Sect. 20.] That if the said commissioner, or his deputy, shall have information of any wines, rum or other distilled spirits, or tea, being brought into and landed in any place in this province, for which the duties aforesaid shall not have been paid after their being brought into or relanded in this government, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said commissioner or his deputy's making oath that he hath had information as aforesaid; and having such warrant, and being attended by such officer, the said commissioner or his deputy may, in the daytime, between sunrise and sun-setting, demand admittance of the person owning or occupying such place, and, upon refusal, shall have right to break open such place; and, finding such liquors or tea, may seize and take the same into his own custody; and the commissioner aforesaid, or his deputy, shall be and hereby is [e][i]mpowered to command assistance, and impress carriages necessary to secure the liquors or tea seized as aforesaid; and any person refusing assistance, or preventing any of the officers aforesaid from executing their office, shall forfeit five pounds to the said commissioner; and he or his deputy shall make reasonable satisfaction for the assistance afforded, and carriages made use of, to secure the liquors or tea seized as aforesaid; and the commissioner or his deputy shall then file an information of such seizure in the inferio[u]r court of common pleas for the county wherein such seizure shall be made, which court shall summon the owner of such liquors or tea, or the occupier of such shop, house or warehouse, or distil[l]-house, where the same were seized, to appear and shew cause, if any he has, why such liquors or tea so seized shall not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or shall make default, the said liquors or tea shall be adjudged forfeited, and the said court shall order them to be sold at public[k] vendue; and the nett produce of such sale shall be paid, one half to the province treasurer for the use of this province, and the other half to the said commissioner. The commissioner or deputy, upon information of any liquors being brought into this province, and the duty not paid, to apply to a justice for a warrant to search, &c.

And be it further enacted,

[Sect. 21.] That there shall be paid, by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pen[n]sylvania, West and East Jersey, Connecticut, New York, New Hampshire, Rhode Island and Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for Tonnage of shipping.

every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the governments aforesaid, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the uses and ends aforesaid.

Vessels to be measured, if suspected.

[SECT. 22.] And the said commissioner is hereby [e][*i*]mpowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessel, before she shall be cleared, in case she shall appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

Drawback for wine, rum and tea allowed, in case.

[SECT. 23.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which shall have been paid agreeable to this act, shall be reshipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wine, or rum, or tea shall make oath at the time of shipping, before the receiver of impost, or his deputy, that the whole of the wine, or rum, or tea so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government,—or otherwise, in case such rum, or wines, or tea shall be exported to any place where there is no officer of the customs, or to any foreign port, the master of the vessel in which the same shall be exported shall make oath that the same has been landed out of the government, and the exporter shall, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines, rum or tea has been relanded in this province,—such exporter shall be allowed a drawback from the receiver of impost as follows; viz[t].,—

For every pipe of wine, nine shillings.

For every hogshead of rum, seven shillings and sixpence.

And for every pound of tea, fourpence.

Provided, always,—

Proviso

[SECT. 24.] That if, after the shipping of such wines, or rum or tea, to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum or tea so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so relanded and brought again into this province, shall be forfeited, and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[SECT. 25.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatsoever relates thereto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said

place, and to collect and receive the impost and tunnage of shipping, as aforesaid, that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and tunnage arising on said vessel may appear; and the same to lie open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver and his deputy or deputies, before their entering upon the execution of their said office, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon, until one in the afternoon.

[Sect. 26.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary, for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

Charges of prosecution, how to be paid, in case.

[Sect. 27.] That all penalties, fines and forfeitures accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

Disposition of forfeitures.

[Sect. 28.] That from and after the commencement of this act, in all causes wherein any claimer shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed February* 17, 1763.

CHAPTER 21.

AN ACT FOR THE CONTINUATION OF A LOTTERY—GRANTED AND ALLOWED BY AN ACT, INTITULED "AN ACT IN ADDITION TO AN ACT, INTITULED 'AN ACT FOR RAISING THE SUM OF TWELVE HUNDRED POUNDS, BY LOTTERY, FOR BUILDING AND MAINTAINING A BRIDGE OVER THE RIVER PARKER, IN THE TOWN OF NEWBURY, AT A PLACE CALLED OLD-TOWN FERRY'"—FOR RAISING A FURTHER SUM FOR THAT PURPOSE.

Preamble. 1759-60, chap. 35.

Whereas by an act of this province, made in the thirty-third year of the reign of his late majesty King George the Second, intituled "An Act in addition to an act, intituled 'An Act for raising the sum of twelve hundred pounds, by lottery, for building and maintaining a bridge over the river Parker, in the town of Newbury, at a place called Old-town Ferry.'" Caleb Cushing, Joseph Gerrish, junior, William Atkins and

Daniel Farnham, Esqrs., and Mr. Patrick Tracy, merchant, or any three of them, were impowered to set up and carry on a lottery to raise the sum of six hundred pounds, for defreying the charges which had arisen on account of building the bridge aforesaid, and the necessary charges of managing the said lottery; and it now appearing to this court that the said sum of six hundred pounds was not sufficient to answer the purpose aforesaid, and that the managers are yet in advance the sum of two hundred and twenty-six pounds, one shilling; and it being thought needful to raise the sum of three hundred pounds, to re-imburse the said managers and defrey the further expence of a lottery for raising the same,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Newbury lottery continued for raising £300.

That the said Caleb Cushing, Joseph Gerrish, junior, William Atkins, and Daniel Farnham, Esq[ui]r[e]s, and Mr. Patrick Tracy, merchant, or any three of them, be and hereby are [e][*i*]mpowered to continue the same lottery, under the same regulations and restrictions as, in the aforesaid act of the thirty-third year of his late majesty George the Second, are mentioned, until the aforesaid sum of three hundred pounds is raised, and no more; and if there shall be any sum remaining, after the necessary charges of carrying on the said lottery are defreyed, and the managers re-imbursed, it shall be applied towards repairing the same bridge as in the same act is mentioned, and to no other use or purpose whatsoever. [*Passed February* 24; *published February* 26, 1763.*

CHAPTER 22.

AN ACT [E][*I*]MPOWERING THE ASSESSORS OF THE TOWN OF CHILMARK, FOR THE TIME BEING, TO APPORTION THE PROVINCE, COUNTY AND TOWN TAXES, NOT ALREADY MADE, ON THE OWNERS OF SUCH STOCK (LIABLE BY LAW TO BE TAXED) THAT HAVE BEEN OR SHALL BE KEPT IN SAID TOWN, OR ON THE ISLANDS THERETO BELONGING.

Preamble.

WHEREAS the assessors of the town of Chilmark, in their last valuation, gave in the stock, in said town and on the islands belonging to the same, which was the property of a number of the inhabitants of the town of Dartmouth, and of several other towns within the province, and which stock the said town of Dartmouth, and the other towns, did not give in in their last valuation; in order, therefore, that justice may be done to the town of Chilmark aforesaid,—

Be it enacted by the Governor, Council and House of Representatives,

Stock on the islands belonging to Chilmark, how to be raised.

That the assessors for the town of Chilmark, for the time being, be and hereby are authorized and [e][*i*]mpowered to assess the owners of said stock, and of any other stock that, from time to time, shall be kept thereon both summer and winter, as fully, to all intents and purposes whatever, as if the owners were inhabitants of Chilmark; and the taxes thus laid may be collected and recovered in the same way and manner as the same might have been before the act, intituled "An Act for apportioning and assessing" the several sums that were laid on the several towns within this government at their session in May last; and it shall not be lawful for the selectmen or assessors of the town of Dartmouth, or of the other towns, to assess the owners of said stock for the same. [*Passed February* 24; † *published February* 26, 1763.

1762–63, chap. 12.

* Signed and published February 25, 1763, according to the record and the printed acts.

† Signed February 25, according to the record.

CHAPTER 23.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, AND NEAR EXPIRING.

Laws continued.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz[t]., one act made in the tenth year of the reign of King George the Second, intituled "An Act for securing the seasonable payment of town and precinct rates or assessments;" two acts made in the tenth and eleventh years of said reign; one, intituled "An Act in further addition to an act made in the first year of his present majesty's reign, intituled 'An Act to prevent co-parceners, joint tenants and tenants in common, from committing strip and waste upon lands by them held in common and undivided;'" the other, intituled "An Act in further addition to an act, intituled 'An Act for the relief of idiots and distracted persons;'" one act made in the fourteenth year of said reign, intituled "An Act to encourage the increase of sheep and goats;" one act made in the fifteenth year of said reign, intituled "An Act for the better regulating [*of*] porters employ[*e*]d within the town of Boston;" one act made in the sixteenth year of said reign, intituled "An Act to prevent the spreading of the small-pox and other infectious sickness, and to prevent the concealing of the same;" one act made in the eighteenth year of said reign, intituled "An Act in addition to the act, intituled 'An Act for appointing commissioners of sewers;'" one act made in the twentieth year of said reign, intituled "An Act for the better regulating swine;" one act made in the twenty-first year of said reign, intituled "An Act to prevent deceit in the gage of cask;" two acts made in the twenty-second year of said reign; one, intituled "An Act for the ease of prisoners for debt;" the other, intituled "An Act for the more easy partition of lands;" one act made in the twenty-third year of said reign, intituled "An Act for regulating the hospital on Rainsford Island, and further providing in case of sickness;" two acts made in the twenty-third and twenty-fourth years of said reign; one, intituled "An Act in addition to the act, intituled 'An Act to encourage the increase of sheep and goats;'" the other, intituled "An Act in addition to the 'Act for the better regulating swine;'" one act made in the twenty-fourth year of said reign, intituled "An Act for preventing and suppressing riots, routs and unlawful assemblies;" four acts made in the twenty-sixth year of said reign; one, intituled "An Act for the more easy partition of lands, or other real estate, given by will, and held in common and undivided, among the devisees;" another act, intituled "An Act for further preventing all riotous, tumultuous and disorderly assemblies or companies of persons, and for preventing bonfires in any of the streets or lanes within any of the towns of this province;" another act, intituled "An Act for preventing damage by horses going at large;" also, one act, intituled "An Act to prevent firing the woods;" two acts made in the twenty-seventh year of said reign; one, intituled "An Act in addition to the several laws of this government made for the regulating general fields;" the other, intituled "An Act to prevent neat cattle and horses running at large and feeding on the beaches and meadows below the banks, in the town of Truro, from the house of Joshua Atkins to Bound Brook, and also on the common meadow at and about Pamit Harbour and river, as far up as the wading-place by John Lumbart's;" also, one act made in the thirty-third year of said reign, intituled "An Act for the more easy division and distribution of intestate estates,"—

Town and precinct rates. 1736–37, ch. 14.

Tenants in common. 1737–38, ch. 8.

Idiots, &c. 1737–38, ch. 9.

Increase of sheep, &c. 1740–41, ch, 23.

Regulation of porters. 1741–42, ch. 5.

Small-pox, &c. 1742–43, ch. 17.

Commissioners of sewers. 1745–46, ch. 16.

Regulation of swine. 1746–47, ch. 26.

Gauge of cask. 1747–48, ch. 7.

Prisoners for debt. 1748–49, ch. 9.

Partition of lands. 1748–49, ch. 12.

Rainsford Island. 1749–50, ch. 6.

Sheep, &c. 1749–50, ch. 27.

Swine. 1750–51, ch. 5.

Riots. 1750–51, ch. 17.

Lands given by will. 1752–53, ch. 13.

Disorderly companies. 1752–53, ch. 18.

Horses at large. 1752–53, ch. 20.

Firing woods. 1753–54, ch. 9.

General fields. 1753–54, ch. 29.

Neat cattle, &c., running at large below the banks at Truro. 1753–54, ch. 44.

Intestate estates. 1760–61, ch. 13.

Be it therefore enacted by the Governor, Council and House of Representatives,

That such of the before-mentioned acts as are expired, be revived, and such of said acts as are not yet expired, be continued, with all and every article, clause, matter and thing therein respectively contained, and shall be in force until the first day of July, which shall be in the year of our Lord one thousand seven hundred and seventy, and no longer. [*Passed February* 24; *published February* 26, 1763.*

CHAPTER 24.

AN ACT FOR THE MORE SAFE KEEPING THE RECORDS OF THE SEVERAL COURTS OF JUSTICE IN THIS PROVINCE.

Preamble. 13 Mass. 261.

WHEREAS complaints have been frequently made to this court that the several clerks of the courts of justice, and registers to the courts of probate, in this government, have been remiss and negligent in keeping up the records of said courts, whereby great mischiefs have arisen; for preventing whereof for the future,—

Be it enacted by the Governor, Council and House of Representatives,

Clerks of the superior court to give bond.

[SECT. 1.] That from and after the first day of June next, the several clerks of the superio[*u*]r court of judicature, court of assize, and general goal delivery, that are now appointed by said court, shall give bond, to be approved of by the justices of the said court, in the sum of one hundred pounds, with one or more sureties, to the province treasurer, for the faithful discharge of their trust, and to keep up the records of said court, seasonably and in good order.

And be it further enacted,

Clerks of the courts of general sessions, inferior court, and registers of probate, to give bond.

[SECT. 2.] That the several clerks of the several courts of general sessions of the peace, and of the several courts of common pleas, and the several registers of probate, in this province, that are now appointed, are hereby enjoined to give their several bonds, to be approved of by the justices of the general sessions of the peace, in the several counties respectively, at their next term after the first day of June next, with one or more sufficient sureties, for the sum of one hundred pounds, to the county treasurer of their several counties, for the faithful discharge of their respective trusts, and keeping up the several records of the respective courts they are appointed to, either as clerk or register, as aforesaid.

And be it further enacted,

Penalty.

[SECT. 3.] That it shall be adjudged a forfeiture of either of the bonds aforesaid, for any of said clerks or registers, or those that may be appointed to either of those offices (sickness or any extraordinary casualties excepted), that shall not have their records all compleated within six months, at any one time, after the first day of June next; and any clerk or register hereafter to be appointed to either of said offices, that shall not give bond, as aforesaid, before he or they enter on their respective offices, or that shall incur a forfeiture of their bond, shall and hereby are declared incapable of holding either of the respective offices aforesaid.

And, to render this act more effectual for the purposes aforesaid,—

Be it further enacted,

Justices and judges to inspect the records.

[SECT. 4.] That the justices, and judges, of the several courts aforementioned are hereby required to inspect the conduct of their several

* Signed and published February 25, 1763, according to the record and printed acts.

clerks and registers, with respect to the records aforesaid; and upon any deficiency as aforesaid, such judge and justices shall give information thereof to the treasurer who has the delinquent's bond in keeping; which treasurer, being so informed, shall forthwith put such delinquent's bond in suit: and the money recovered on such suit shall be applied for bringing up the deficient records, under the direction of the respective judge or judges of the court or courts where such deficiency shall happen; and if there be a surplusage of such fine, it shall be applied to the use of the county where the defect of the records happens; and if the fine shall be insufficient for the purpose aforesaid, the estate of the deficient clerk or register shall be held liable to pay the same. [*Passed February* 24;* *published February* 26, 1763.

Clerks' and registers' estates held liable.

CHAPTER 25.

AN ACT CONFIRMING TO SUNDRY PERSONS SUNDRY LANDS BY THEM PURCHASED OF THE INDIANS, AT CHRISTAINTOWN, SO CALLED, ON THE ISLAND OF MARTHA'S VINEYARD.

Whereas divers English persons have made purchases of the Indians, proprietors of lands in Christiantown, so called, on the island of Martha's Vineyard, without liberty for that purpose first had and obtained of the great and general court, contrary to a law of this province made and passed in the thirteenth year of the reign of King William the Third, and contrary to the tenor of the original grant to the Indians called the praying Indians, by reason whereof all such deeds given by the Indians are null and void; *yet*, *inasmuch* as said English purchasers have, by their deed bearing date the second day of September, one thousand seven hundred [and] sixty-two, duly executed, and recorded in the records of deeds for the county of Dukes County, and in the book of laws in the secretary's office, disclaimed to the Indian proprietors of said Christiantown their preten[t][*s*]ion to a great part of the said lands, which lands so disclaimed by the English purchasers are become so much better by the improvements they have made upon them as to render them to be nearly equal in value to the whole of the said lands when sold by the Indians.—

Preamble. 1701–2, chap. 11, § 1.

Be it enacted by the Governor, Council and House of Representatives,

That all the lands purchased of the Indians, lying in Christiantown, the deeds whereof were recorded in the records of deeds for the county of Dukes County, at any time before the twenty-second of August, one thousand seven hundred and sixty-one, not reconveyed by the English to the Indians, as by their deed dated the second of September, one thousand seven hundred and sixty-two, and recorded in the records of deeds for the county of Dukes County, shall be and hereby are confirmed to said grantees respectively, and their respective heirs, and be to them an estate in fee simple, as fully, to all intents and purposes whatsoever, as if said grantees had obtained the liberty of the general court to purchase the same. [*Passed February* 24; *published February* 26, 1763.

Indian deeds for lands in Christiantown confirmed.

* Signed February 25, according to the record.

CHAPTER 26.

AN ACT TO EXEMPT THE PEOPLE CALLED QUAKERS FROM THE PENALTY OF THE LAW FOR NON-ATTENDANCE ON MILITARY MUSTERS.

Preamble.

WHEREAS the people called Quakers profess themselves conscien-[t][c]iously scrupulous of attending in arms at military musters,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Quakers exempted from attending military musters. 1757-58, chap. 20.

[SECT. 1.] That such of the inhabitants of this province as are called Quakers, and who shall appear to be such, according to a rule laid down by a law of this province made in the thirty-first year of his late majesty King George the Second, intituled "An Act further to exempt persons commonly called Quakers and Anabaptists from paying ministerial taxes," shall, during the continuance of this act, be exempted from the penalty of the law for non-attendance on military musters.

Continuance of the act.

[SECT. 2.] This act to continue and be in force until the first day of July, which will be in the year of our Lord one thousand seven hundred and seventy, and no longer. [*Passed February* 24; *published February* 26, 1763.*

CHAPTER 27.

AN ACT IN ADDITION TO THE ACT MADE AND PASSED IN THE EIGHTH YEAR OF THE REIGN OF HER LATE MAJESTY QUEEN ANNE, INTIT[U]LED "AN ACT FOR REGULATING OF DRAINS OR COMMON SHORES."

Preamble. 1709-10, chap. 5, § 3.

WHEREAS, in and by an act made and passed in the eighth year of the reign of her late majesty Queen Anne, intit[u]led "An Act for regulating of drains and common shores," it is enacted, among other things, "that it shall and may be lawful to and for any one or more of the inhabitants of any town, at his and their own cost and charge, to make and lay a common shore, or main drain, for the benefit of themselves and others that shall think fit to join therein; and every person that shall afterwards enter his or her particular drain into such common shore, or main drain, or by any more remote means receive benefit thereby, for the draining of their cellars or lands, shall be obliged to pay unto the owner or owners of such common shore, or main drain, a proportionable part of the charge of making or repairing the same, or so much thereof as shall be below the place where any particular drain † enters thereinto, at the judgment of the selectmen of the town, or major part of them;" *and whereas* it frequently happens that the main drains, or common shores, decay and fill up, and the persons immediately affected thereby are obliged to repair such common shore to prevent damage to themselves and others whose drains enter above, as well as below, them, and no particular provision is made by said act to compel such persons as dwell above that part where common shores are repaired, and have not sustained damage, to pay their proportionable share thereof, as shall be adjudged by the selectmen, nor in what man-

1 Met. 135.

12 Allen, 239.

* Signed and published February 25, 1763, according to the record and printed acts.

† "Joins or" omitted.

ner the same shall be recovered, which has already occasioned many disputes and controversies; wherefore, for preventing the same for the future,—

Be it enacted by the Governor, Council and House of Representatives,

Persons receiving benefit by common sewers, to pay their proportion for cleansing.

[Sect. 1.] That whensoever it shall hereafter happen, after the second day of April next, that any common shore, or main drain, is stopped, or gone to decay, so that it will be necessary to open such common shore, or main drain, to remove such stoppage, and repair it, not only the person or persons who shall so do, or cause the same to be done, but all others whose drains enter, either above or below, such common shore, or main drain, or receive any benefit by said common shore, or main drain, shall pay such a proportionable part of the whole expence of opening and repairing the common shore, or main drain, as shall be adjudged to them by the selectmen of the town, or [a] [*the*] major part of them, to be certif[i][*y*]ed under their hands; and if any person or persons, after such certificate is made, shall refuse to pay the same, within ten days, to the person so appointed by the selectmen to receive it, being duly notif[ie][*y*']d thereof, he shall be liable and subject to pay to such person appointed, double the sum mentioned in such certificate, and all costs arising upon such refusal; and such person is hereby fully authorized and [e][*i*]mpowered to bring an action or actions for the same accordingly.

Provided, always,—

Proviso.

[Sect. 2.] That the person or persons who have occasion to open any common shore, or main drain, in order to clear or repair the same, shall first notify all persons who are interested therein, that they may have an opportunity of making their objections against such persons' proceeding[*s*], and laying the same before the selectmen; and if the selectmen, or major part of them, judge their objections reasonable, then such person or persons shall not be obliged to pay any part of the charge thereof; but if they do not make their objections in person, or writing, within three days after warning given, or the selectmen, or the major part of them, determine their objections not of sufficient force, then such person or persons may (having first liberty therefor, under the hands of the major part of the selectmen) proceed to open such common shore, and clean and repair the same; and all interested in such common shore, or main drain, shall pay their proportion as is provided in this act.

Provided, also,—

Proviso.

[Sect. 3.] That nothing in this act shall be construed or understood to set aside or make void any covenants or agreements already made, or that hereafter may be made, among the proprietors of such drains or common shores.

Continuance of this act.

[Sect. 4.] This act to continue and be in force from the last day of March next, to the second day of April, one thousand seven hundred and seventy*, and no longer. [*Passed February* 24; *published February* 26, 1763.*

* Signed and published February 25, 1763, according to the record and printed acts.

CHAPTER 28.

AN ACT IN FURTHER ADDITION TO AN ACT FOR THE ORDERLY CONSUMMATING OF MARRIAGES, MADE AND PASSED IN THE FOURTH YEAR OF THE REIGN OF THEIR LATE MAJEST[Y][*IE*]S KING WILLIAM AND QUEEN MARY.

Preamble. 1692-93, chap. 25. 127 Mass. 463.

WHEREAS there are several parishes within this province that have been, and hereafter may be, made out of two adjacent towns or more, and the settled and ordained ministers in such parishes have not power, by law, to solemnize marriages in those parts of their respective parishes that do not belong to the town in which they themselves dwell, which, in many respects, hath been found by experience to be very inconvenient; wherefore,—

Be it enacted by the Governor, Council and House of Representatives,

Ministers empowered to marry without their parishes.

That the power granted to ministers to join persons together in marriage be hereby [*e*][i]nlarged; and that every settled and ordained minister in any of the parishes and districts in this province, though they may be composed of parts of several towns, shall be and are hereby fully authorized and impowered to solemnize marriages betwixt persons that may lawfully enter into such a relation, within the bounds of their respective parishes, in as ample a manner as they may lawfully do in the several towns in which they dwell. [*Passed February* 24; * *published February* 26, 1763.

CHAPTER 29.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT AGAINST ADULTERY AND POLYGAMY."

Preamble. 1694–95, chap. 5, § 1.

WHEREAS in and by an act made and passed in the sixth year of King William and Queen Mary, intituled "An Act against adultery and polygamy," it is, among other things, enacted, "That if any man be found in bed with another man's wife, the man and woman so offending, being thereof convicted, shall be severely whipped, not exceeding thirty stripes, unless it appears upon trial that one party was surprized and did not consent, which shall abate the punishment as to such party;" for the more effectual preventing the crime aforesaid,—

Be it enacted by the Governor, Council and House of Representatives,

Penalty for a man's being in bed with another's wife.

That when and so often as any person shall be convicted of the crime aforesaid upon any law or laws of this province, it shall and may be lawful for the justices of the court of assize and general goal delivery, before whom such conviction shall be had, to sentence such offender to pay a fine not exceeding one hundred pounds, and in default thereof to be imprisoned not exceeding six months, or be whipped not exceeding thirty stripes. [*Passed February* 24; * *published February* 26, 1763.

* Signed February 25, according to the record.

CHAPTER 30.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF THIRTY-EIGHT THOUSAND SIX HUNDRED AND FIFTY POUNDS.

Preamble.

Whereas it is necessary, in order to support the faith and credit of the government, that further provision be made by the general court to enable the treasurer to discharge the receipts or obligations by him given in behalf of the province, that will become due in June next,—

Be it enacted by the Governor, Council and House of Representatives,

Treasurer empowered to borrow £38,650.

[Sect. 1.] That the treasurer be and he hereby is directed and [i][e]mpowered to borrow, of such person or persons as shall appear ready to lend, a sum not exceeding thirty-eight thousand six hundred and fifty pounds; and for every sum so borrowed the treasurer shall give his receipt or obligation, in the form following:—

Form of treasurer's receipt.

Province of the Massachusetts Bay, the day of , A.D. 176 . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay to the said or to his order, on the twent[y][*i*]eth day of June, [1766], [*A.D. one thousand seven hundred and sixty-six*], the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act. made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within this government," and according to the rates therein mentioned, with interest, annually, at six per cent.

1749-50, chap. 19.

Witness my hand. H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

[Sect. 2.] And the treasurer, in issuing said recei[p]ts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his present majesty's reign, intituled "An Act to supply the treasury with the sum of twenty-five thousand pounds;" and no receipt shall be given for less than six pounds.

1761-62, chap. 23.

And be it further enacted,

Money borrowed, how to be applied.

[Sect. 3.] That the said thirty-eight thousand six hundred and fifty pounds, when received into the treasury, shall be applied by the treasurer for the redemption of government securities that will become due by the last day of June next.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act,—

Be it enacted,

Tax of £45,607, granted in 1765.

[Sect. 4.] That there be and hereby is granted unto his most excellent majesty a tax of forty-five thousand six hundred and seven pounds, to be levied on polls, and estates both real and personal within this province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly at their session in May, one thousand seven hundred and sixty-five, and to be paid into the public treasury on or before the last day of March then next after.

And be it further enacted,

Rule for apportioning the tax, in case no tax act shall be agreed on.

[SECT. 5.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-five, and some time before the twentieth day of June in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be in said year apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[SECT. 6.] And the province treasurer is hereby fully [i][*e*]mpowered and directed, some time in [the] said month of June in the same year, one thousand seven hundred and sixty-five, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on the aforementioned time; and the assessors, as also the persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act.

Provided, *always*,—

Proviso.

[SECT. 7.] That the remainder, if any there be, of the sum which shall be brought into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the receipts and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed February* 25; *published February* 26, 1763.*

NOTES.—All the public acts of this year were printed: chapters 12 and 20 separately; and the engrossments of all the acts, public and private, are preserved, except of chapters 1, 7, 9, 10 and 12, the first four of which have been compared with the record of acts in the Secretary's office.

The following are the titles of the private acts passed this year:—

"An Act confirming the Christian name of Ann Baker of Dorchester in the County of Suffolk Widow notwithstanding the Mistake therein."—[*Passed February* 17; *published February* 26, 1763.

"An Act to enable the surviving Executors of Edward Jackson Gentleman deceased to dispose of part of his Real Estate in Shutesbury in the County of Hampshire."—[*Passed February* 24; *published February* 26, 1763.

"An Act to enable Faith Cookson Wife of Obadiah Cookson to make Sale of certain Lands in the Township of Rutland set off to her pursuant to the Will of her late Father Cornelius Waldo Esq^r."—[*Passed February* 24; *published February* 26, 1763.

The acts of the first session were duly certified for transmission, July 6, 1762. They were delivered to the clerk of the Privy Council, in waiting, on the 28th of September following, and the next day were referred to the committee on plantation affairs, who, in turn, on the fifth of October, referred them to the Lords of Trade. No record of action upon them by the Board, has been found until November 17, when the Secretary informed the Board that they "were with S^r Matthew Lamb, for his Opinion thereupon in point of Law." This opinion was given to the Board January 10, 1763, and contained no objection to any of these acts except to chapters 4 and 8, as shown in the note to the latter chapter, *post*. See, also, note to 1761–62, *ante*.

The acts of the second session were certified for transmission, September 25, 1762. They were delivered, by order of the Lords of Trade, to the clerk of the Privy Council, in waiting, December 14, referred, the next day, to the committee on plantation affairs, and, by the latter, referred back to the Lords of Trade, December 17, 1762.

The acts of the third session, including the private acts, were certified for transmission, March 30, 1763. They were delivered to the clerk of the Privy Council, in waiting, June 30, and, on the seventh of July, referred to the committee on plantation affairs, who, in turn, referred them to the Lords of Trade, two days later. The Lords of Trade received them July 13, read them on the 15th, and immediately referred them to Sir Matthew Lamb. The latter reported, September 22, that he had no objection thereto in point of law, which report was read by the Board, October 14, 1763, "and no material objection or observation occurring upon them it was

* February 25, 1763, according to the printed acts.

ordered that such of them as are not expired by their own limitation should lye by probationary until the further effect of them shall have been known."

As no record of further action has been found, on the acts of this year (excepting, perhaps, the acts incorporating towns), by the Privy Council, it is to be presumed that they received a virtual approval by lapse of time.

Chap. 2. "Nov. 18, 1761. A Petition of James Craige of the West Wing Precinct of Rutland in the name and behalf of the said Precinct—Praying that a Tax of four pence ℔ Acre be laid on all the Lands therein for five years, that the Inhabitants may be thereby enabled in some measure to build a Meeting House and support the Public Worship in the said Place.

In Council Read again together with the Answer of sundry of the non resident Proprietors. And Ordered That Samuel Watts and John Erving Esq^rs with such as the honorable House shall join be a Committee to take the same into consideration and report.

In the House of Representatives Read and Concurred and Col^o Murray, M^r Reed, and Col^o Gerrish are joined in the Affair."—*Council Records, vol. XXIV., p.* 110.

"Nov. 24, 1761. John Murray Esq^r from the House of Representatives came up to the Board with a Message to desire that the Petition from some of the Inhabitants of Leicester and Rutland may be sent down to the House.

Gamaliel Bradford Esq^r from the Board went down to the House of Representatives with the said Petition."—*Ibid., p.* 130.

"Nov. 25, 1761. Upon the Petition of James Craige Praying as entered the 2^d of June last, and afterwards committed to a Committee of both Houses the following Vote passed viz^t

In Council—The Committee upon the foregoing Petition having reported according to order —Read and Accepted and Ordered That there be and hereby is allowed to be raised two pence a year for three years next ensuing and one penny a year for two other years next after, upon each Acre of the Lands of the nonresident Proprietors of the Precinct in the West Wing of Rutland to enable them to build a Meeting House for the Public worship of God and for the support of the Gospel minister in the said Precinct And the said Precinct are hereby authorized and impowered to appoint suitable Persons to assess and collect the Taxes aforesaid. In the House of Representatives Read and Concurred Consented to by the Governor." —*Ibid., p.* 137.

Chap. 3. See 1763-64, chapter 10, note.

Chap. 4. "Jan. 31, 1763. A petition of a number of the Proprietors of Chesterfield, part of them being Proprietors also of Land in a Tract called the second addition to the Township called Number Four, which Tract of Land is bounded Easterly on the Township of Deerfield, Northerly on Hunts Town, Westerly on one of those Tracts of Land lately sold by the Government called Number Five, and Southerly on Chesterfield containing about Three Thousand Acres Setting forth, That the said Tract is too small for a Township, and that all the Proprietors thereof as well as the Proprietors of the Town of Chesterfield are desirous that the said Tract of Land should be annexed to the Town of Chesterfield, and that it dos not lye commodiously to be annexed to any other new Plantation, And Praying that the same may be annexed to Chesterfield accordingly.

In the House of Representatives Read and Ordered That the Prayer of the Petition be granted; and that the Lands mentioned in the Petition be, and are hereby annexed to the Town of Chesterfield and the Inhabitants and Possessors of the said Lands to do duty and receive priviledge therein. In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIV., p.* 538.

See 1763-64, chapter 10, *post.*

Chap. 6. "June 21, 1765. A Memorial of Charles Harrison Esq^r—Setting forth—That he purchased at Philadelphia ten Notes of £9 each issued by the Treasurer of this province dated 30^th May 1760 and endorsed by Royall Tyler Esq^r payable with Interest on or before the 20^th June 1764, but that upon presenting them to the Treasurer he was informed that by an Order of this Government the interest had ceased 31^st October 1762. That he then living at Philadelphia was ignorant of the said Order, and did not imagine that he had a right to demand payment till after the 20^th June 1765. And praying that he may be allowed Interest accordingly.

In the House of Representatives, Read and Ordered that the sum of Ninety pounds be paid out of the public Treasury to the Memorialist, being the principal of the Notes within mentioned: And the Interest that shall appear due on the same 'till the 20^th of June 1764. In Council, Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXVI., p.* 54.

"Oct. 31, 1765. A Petition of John Still Winthrop Esq^r of New London setting forth—That on the 28^th of August 1761, He lent this Government Six hundred pounds, and took M^r Treasurer Gray's Note for the same payable by the 20^th of June 1765 with Interest annually 'till paid. That only one years Interest has been paid on said Note, and that an Order has since passed for calling in all the Notes of that form and exchanging them for Notes of a new form on penalty of losing the Interest: that by reason of his distance he was unacquainted with said Order whereby he is like to lose the rest of the Interest, unless aided by the Government who have had the use of his money. And praying Relief.

In the House of Representatives. Resolved that the Treasurer be directed to pay John Still Winthrop Esq^r the whole of the Interest of the Note mentioned in his Petition to the 20^th of June last, he living out of the Province and not informed

of the Order of this Court passed in October 1762— In Council, Read and Concurred Consented to by the Governor."—*Ibid., p.* 97.

Chap. 8. "Jan. 15, 1759. A Petition of Samuel Webb and Others, Inhabitants of a Place called New Marblehead—Setting forth the difficulties they labour under, for want of having the Gospel preached among them, and the inability of the Inhabitants to support it; that the Proprietors, sixty in number are all excepting four Non Residents, who refuse to be at any expence to obtain a settled Ministry in the Place —And praying that a Tax may be laid upon the Non Resident Proprietors Lands in said place for building a Meeting House, and supporting a Minister; and that the Inhabitants may be impowered to raise money among themselves for the Support of a School; and other purposes.

In the House of Representatives. Read and Ordered That the Petitioners notify the Non Resident Proprietors of the Township of New Marblehead of this Petition by inserting the Substance thereof in one or more of the Public Prints for three weeks successively, that they shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council. Read and Concurred."—*Council Records, vol. XXII., p.* 487.

"Jan. 8, 1761. A Petition of the Grantees of a Township called New Marblehead—Setting forth That in Obedience to the Order of this honourable Court in October A.D. 1758, they sent to the said Township Messrs John Wright and Samuel Turner with Orders to take an Exact Account of the state of the said Township and the progress made by each Grantee towards a Settlement; who made Report upon Oath, which was laid before this honble Court, whereby it Appears that Twenty nine of the Grantees had settled Families there, (A List whereof are hereunto Annexed) the other Grantees (thó all of them but No 4 drawn by George Pigot) have Cleared lands on their respective Lotts, they have not settled Families there, by which Neglect the few Families there, have been exposed to great difficulties. That this small settlement have for many Years past dwelt there, without any Settled Gospel Minister or any Civil Government among them. That the Grantees, find it necessary that a further division of a set of 100 Acre lotts be laid out there, which can't be Effected with any certainty until they Obtain a Settlement of the Boundary Lines betwixt the said Grant, and the Towns of Falmouth and North Yarmouth on which they Joyn,'which they apprehend cannot be Effected but by the Aid of this Honble Court. Praying that the twenty nine Settled Numbers be Confirmed to the respective Grantees and their heirs. And the Non Settlers be compeled as soon as may be to Compleat their Settlements. That the Settlement of the said Boundary Lines may be Ordered, and that the Inhabitants there may be Incorporated into some order of Government, and as the Original home Lotts were laid out but 10 Acres (to make Settlement Compact and defensible) which has greatly hurt and discouraged the said Settlement and that the Non Settlers may not be Compelled to settle on said 10 Acre Lotts, each of them having an 100 Acre Lott Adjoyning to the said home Lotts already laid out, which will better suit them—and also Praying that Lott No 44 in said Township may be appropriated to the Ministerial use.

In Council; Read and Ordered That John Chandler Esqr with such as the honourable House shall join be a Committee to take this Petition under consideration and report what they judge proper for this Court to do thereon.

In the House of Representatives; Read and Concurred and Colo Clapp and Major Cushing are joined in the Affair."—*Ibid., vol. XXIII., p.* 576.

"Jan. 20, 1761. The Committee appointed the 8th of January Instant on the Petition of the Grantees of New Marblehead made the following Report Vizt

The Committee to whom was referred the within Petition humbly report as their Opinion that the Rights belonging to the twenty nine persons contained in the Annexed list be confirmed to them their heirs and Assignes forever, and that the Plantation be Erected into a District. That the other Original Admitted Settlers or those who hold under them being Thirty one, be allowed one Year from this time, to comply with the Conditions of the Grant, and such of them as do not; their Supposed Shares or Rights revert to the Province, and be disposed of as this Court shall Order, that a Committee be appointed, at the Charge of the Petitioners to fix and ascertain the bounds of the Plantation adjoyning to the Towns of Falmouth and North Yarmouth they giving proper Notice of the time of their Meeting for that purpose—and that the Scholl Lott No 44, be appropriated for the Encouragement of the next ordain'd Minister amongst them reserving four Acres thereof for Erecting a Meeting House on, and for other Publick uses, and that previous to the laying out any further Division, a hundred Acres of good land be laid out for the use of a School in Lieu of said Lott No 44 In order of the Comtee JOHN CHANDLER.

In Council Read and Accepted and Ordered That Richard Cutt Esquire with such as the honourable House shall join be a Committee to run the Lines mentioned in said Report.

In the House of Representatives; Read and Concurred and Mr Bradbury and Dr Sayer are joined in the Affair.

Consented to by the Governor."—*Ibid., p.* 612.

"Nov. 27, 1761. In Council. Upon the Petition of Nathan Bowen and others Grantees of a Township called New Marblehead in the County of Cumberland, and the Report of a Committee of the General Court thereon, Resolved and Ordered,

That the Bounds between the said Township of New Marblehead and the Towns of Falmouth and North Yarmouth be as follows vizt, Beginning at a little white Rock by the water side in Casco Bay running Northwest ninety five rods to the Stump of a red oak tree which was formerly marked F. and from thence Northwest on the line between the Towns of Falmouth and North Yarmouth eight miles to a

Pine tree marked F. for the Northwest corner of the said Town of Falmouth and from thence the lines between said Towns of Falmouth and the said New Marblehead to run on a strait line to come fifteen rods to the Eastward of a Brook called Inkhorn Brook, below the mouth of the said Brook where it enters into the River called Pesumpscot River to run again from the said Pine Tree on the line of Falmouth ninety five rods to the Southeast corner of North Yarmouth being a stake, and from thence Northeast three miles on the Bounds between North Yarmouth and New Marblehead to the line of New Boston, and that the Lines between New Marblehead and the Towns of Falmouth and North Yarmouth be fixed and established as beforementioned.

It is further Resolved and Ordered That Lot N° 1, in the second hundred acre of division of Lots in the said Township of New Marblehead, which Lot is bounded on the fifty fifth and fifty sixth Lots in the first division of hundred acre Lots be set off and established for a School Lot in the said Township in the room of the forty fourth Lot which was taken from the School for the Minister. In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid., vol. XXIV., p.* 150.

"April 21, 1762. In the House of Representatives; Voted that the Committee appointed by this Court at their last Session to run out the lines of the Towns of Biddeford Scarborough and Falmouth and to fix the bounds of the Township of Narraganset N° 7, Narraganset N° 1 and Piersontown, be and they hereby are ordered and directed to fix the bounds of each of the Townships of New Marblehead; New Boston and New Gloucester; the Committee to observe the same directions as mentioned in the Vote appointing them a Committee as aforesaid. The charges to be born as expressed in the same Vote. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 353.

"—I must observe to Your Lordships that there are amongst them several Acts for erecting Parishes into Districts and Towns and investing them with the like Powers and Priviledges that Towns in this Province by law enjoy: Only in some of these Acts, that of sending a Representative to the General Assembly is particularly excepted, But in some of them the powers are general without any such exception which I apprehend should be in all of them to prevent any doubt or claim that may arise in this Province in respect to those Towns that are not under such exceptions in their respective Acts."—*From Sir M. Lamb's opinion, to the Lords of Trade, on acts of* 1761–2; *Jan.* 10, 1763: "*Mass. Bay, B. T.,*" *vol.* 78., *L. l.*, 43, *in Public-Record Office.*

"Sir, Having had under our consideration the Acts passed in Massachusetts Bay in 1761 and 1762, We have found amongst them no less than seven* (a List of the Titles of which is inclosed) for erecting new Towns and giving such Towns all the Priviledges of other established Towns in the Province.

As it does not appear to us, whether these new Towns will by this form of Constitution be entituled to Representatives in the General Court, We shall suspend any determination upon them until We shall have received from you full information upon this point, to which end and that We may know with certainty and precision what is the constitution and practice of the Province in this case, We must desire that you will lose no time in transmitting to us an exact List of the several Towns and Places which send Representatives, distinguishing the number which each place sends when and by what authority the right of Representation was first establish'd and in what way this right takes place whether by Petition to the General Court or by direct application to the Governor.

As the knowledge of these matters is essential to His Majesty's Service, We desire you will be punctual in your obedience to our directions of the want of which in other Cases we have but too much reason to complain, not having yet received from you any answer to our General Heads of Enquiry, transmitted to you so long ago as the 28 of April 1761 and which Answers are in the present state of Affairs very materially necessary for our Information."—*Lords of Trade to Gov. Bernard, Feb.* 8, 1763: "*Mass. Bay, B. T.,*" *vol.* 86, *p.* 151, *in Public-Record Office.*

"Feb. 10, 1763. The following Report was made by the Committee appointed for the purposes therein mentioned viz[t]

The committee of both Houses herein last beforementioned having carefully viewed the Plans of the several Townships called Narraganset N° 7. Narragansett N° 1, Pearson Town, New Marblehead, New Boston and New Gloucester, with the Lines and Boundaries of the same and of the Towns of Biddeford, Scarborough and Falmouth as run and fixed by a Committee of this Court appointed in February last and described in the Plans aforesaid; having also perused the Petition of the Proprietors of the Town of Scarborough and other Papers committed to Us, and heard and considered what the Parties concerned thought fit to offer in opposition to, or support of the Proceedings of the said Committee touching the premises are, upon the whole of opinion that the herein before written Report of the said Committee signed Richard Cutt be accepted, and that the Plans of the several Townships abovementioned therewith exhibited, and the several Lines and Boundaries therein described, be ratifyed and confirmed accordingly, Provided that the description of the Boundaries of the Townships aforementioned in the Plans aforesaid be not understood or construed to affect or alter the side line which divides the Town of Scarborough from that of Falmouth; but the same shall remain as formerly stated.—Which is humbly submitted ℔ Order—SAM[l] DANFORTH.

In Council Read and Accepted. And Ordered That the Lines and Boundaries of the several Townships of Biddeford, Scarborough and Falmouth, and Narraganset N° 7, Narraganset N° 1, Pearson Town, New Marblehead, New Boston and New

* Viz., Bernardston, Sandisfield, Templeton, Athol, Tyringham, Chesterfield, and Windham.

Gloucester as laid down in the Plans exhibited by the Committee for running the Lines of the said Township be, and hereby are determined to be the Lines and Boundaries of the said Townships respectively; and the said Plans are hereby ratifyed and confirmed, Provided that the description of the Boundaries of the Townships aforementioned in the Plans aforesaid be not understood or construed to affect or alter the side line which divides the Town of Scarborough from that of Falmouth; but the same shall remain as formerly stated.

In the House of Representatives Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIV., p.* 566.

Feb. 15, 1763. In the House of Representatives; Ordered That the Expence of the Committee appointed by the General Court in February 1762 to run out and fix the Bounds of nine Townships in the Counties of York and Cumberland, the ballance of whose Accounts amounting to the sum of One hundred and fourteen pounds 11/11 Signed by Richard Cutt be paid as follows

Falmouth	£16, 7, 5
Scarborough	16, 7, 5
Biddeford	8, 7, 5
Pepperrellborough	8, – –
Gorham Town	16, 7, 5
Pearson Town	16, 7, 5
Windham	16, 7, 5
The Province	16, 7, 5
	£114, 11, 11

Each of the above Towns to be Taxed for the same in the next Province Tax Act unless any of them shall pay their proportion as aforesaid into the Province Treasury before the issuing of said Tax; and that the whole sum be now paid out of the Province Treasury to said Richard Cutt Esq^{r} in full discharge of said Account, and by him to be paid to those to whom the same is respectively due.—

In Council Read and Concurred. Consented to by the Governor."—*Ibid., p.* 585.

"I have received your Lordships letter of Feb^{ry} 8th requiring a full information concerning the constitution of the House of Representatives of this Province. This I shall state to Your Lordships with all the precision I am able to do.

By the Charter every Town is impowred to elect two Persons to serve for and represent them in the General Assembly. But by an Act of the 4th of Will & Mary cap. 19 No Town is allowed to send two Members but what has 120 freeholders. Every Town that has 40 freeholders is obliged to send one Represent^{ve} A Town that has above 30 and under 40 freeholders may send a Representative or not as they please; A Town under 30 freeholders may send a Representative or join with the next in the choice of a Representative; Boston alone is allowed to send 4. By an Act of the 5th of Will and Mary cap. 11, the qualification of a voter is declared to be his giving oath that he is worth 40 pounds sterling or a freehold estate of 40 shillings per ann:

If according to this regulation Every Town should avail itself of its utmost power to send Representatives, the number would be very large indeed. But as the sending a Member is a burthen upon a Town instead of being exerted, it is avoided as much as possible, so that it scarce ever happens that a Town which has a right to be excused sends a representative: and of those, which are obliged by law to send one, a great many make default; that it is frequent for the House of Representatives to fine Towns for not sending Members, (see Votes pa. 12.) Your Lordships will see at the beginning of the Votes of each year a List of the Towns supposed to send Members distinguishing who have made returns and who not: These are not correct, but near so enough to form a calculation. In the list in 1762, being the last return, there appear to be 168 Towns (reckoning joint Towns as one) which are supposed to be obliged to send Members of which 64 have made default and 104 have returned: Of these last only 4 have sent more than one Member, so that there appears to be 110 (including the supernumeraries of the four Towns) Representatives returned. I will suppose that much the greater part of these Towns have a right, if they please, to send two Representatives and that there are many other Towns not named in this List which have a right to send one representative: so that the House is capable of a great increase even though there was no new settled Country to contribute to it.

I wrote to Your Lordships upon the subject in a letter dated Aug. 3. 1761 which I desire may be read, as if inserted here, for which purpose I shall enclose with this a triplicate of it. Upon account of my representations in that letter Your Lordships sent me his Majesty's relaxation of the instruction Altho' this left me at liberty to consent to incorporating Townships without any restriction yet I have observed the Instruction in all instances of carvings new Townships out of old ones, in which case I have made it a rule that the New Town should join with the old one from whence it was taken, in a Representative. An instance of this, the Town of Great Barrington lately constituted by Act will afford.

Since I have received the relaxation of the instruction, the Bills for constituting Townships in the new settled Counties have been silent in regard to their being represented; of course they are left to the Laws, which I have before stated. When one of these Towns has a sufficient number of Freeholders, it is intitled to a precept as a matter of right, But it is generally expected that they will decline that privilege as long as they can, to avoid the expence of it. In short, My Lords, it were to be wished that some proper method could be devised to limit the general number of Representatives, But it seems to me that it should be done rather by contracting those of the old Counties than by preventing a New County from being competently represented.

I don't apprehend that the difficulty of this Reform will be so great in the planning the work as in the reconciling the people to an alteration which tends to the contracting their representation. It might be done effectually by enlarging the number of freeholders that shall give a Town a right to send one Member and as for Towns that have not such a Number to join them together in chusing a Representative as many already are. The ascertaining this number will depend upon the whole number of freeholders in the Province, which I shall endeavour to learn this Summer and from thence may be calculated what number of freeholders should go to the constituting a Representative to keep the House within a proper number of Representatives."—*Gov. Bernard to Lords of Trade, Apr.* 30, 1763: "*Mass. Bay, B. T.*," *vol.* 78, *L. t.*, 57.

See, also, notes to 1763-64, chapter 10, and 1765-66, chapter 23, *post*.

Chap. 9. "At last Winter Session I had before me a Bill for punishing the counterfieting Money and Treasurer's Notes, which I thought proper not to consent to. Among the reasons for my dissent one was, that the counterfieting Treasurers Notes was not made capital As in all other parts of his Majesty's Dominions, that I have observed, the Government Securities are defended from Frauds by the penalty of Death, I could not see why those belonging to this Province should not have the same Protection. And it is in my opinion that if you do not think proper to make counterfieting the Treasurers Notes a capital Offence you had better not exact any Punishment at all: For in this case it will only appear to be an Omission: in the former it will be a Publick diminution of the atrocity of the Crime—

If you shall think proper to make the counterfieting Treasurers Notes a capital Offence it will be best to do it in the Acts which impower the Treasurer to issue such Notes (as was usual with the Government Securities in England until the general Law that made all Forgery capital, pass'd) observing that the first Clause of the kind has a Retrospect to the former Acts: And in such case, it will be proper to order that notice of this penalty be engraved at the Bottom of the Copper plate—I shall leave this Bill for supplying the Treasury with Thirty five Thousand seven hundred pounds in the hands of the Secretary 'till You have determined upon the Subject of this.—*Message of Gov. Bernard, to the Assembly, June* 9, 1762: *Council Records, vol. XXIV., p.* 415.

"June 11, 1762. Thomas Cushing Esq^{r} and Others a Committee of the House of Representatives came up to his Excellency the Governor with the following Message Viz^{t}

May it please your Excellency

The House have duly attended to your Excellency's Message of the 9th Instant respecting the Punishing the Counterfieters of money, and of the Treasurers Notes: And after the most deliberate consideration thereof cannot but be of the same Sentiments respecting the Punishment of this Offence, as the two last Houses, by whom the Bill for this purpose was passed.

The House Sir is very Sensible that the crime is very atrocious and that it might be of very mischievous consequence to the Province to make a particular Provision of a punishment so inadequate as in effect to be a Public diminution of the atrocity of it. At the same time the House are very averse to a capital Punishment in any case where the interest of the Government does not absolutely require it: and as they doubt not some other Punishment than Death will be sufficient effectually to deter from the commission of this crime, they can't give their consent it should be punished with death. And as they flatter themselves the Punishment provided for in the Bill will be Sufficient for this purpose, they are very desirous the same may be tried; and are ready to originate another like Bill; and assure your Excellency that should future experience discover the Sentiments of the House to be ill founded, they should be ready themselves, and doubt not any future Assembly would be ready to inhance the Punishment so as to make it effectual to the purpose designed."—*Ibid., p.* 426.

See, also, note to 1761-62, chaps. 28 and 29, *ante*.

Chap. 10. A grant of £200,000, to reimburse part of the expenses of all the colonies in the campaign of 1760, was voted by the House of Commons, January 20, 1761, in the same form of words used in the previous grants. Mr. Bollan, who had labored successfully to thwart a movement for reducing this grant, informed the General Court of the passage of the vote, in his letter of February 12, 1761; and he had already taken measures to have the money so apportioned as to secure for Massachusetts compensation for expenses incurred in the campaign of 1759 in excess of her proportion. This extra expense was, chiefly, the cost of maintaining garrisons at Louisbourg and Nova Scotia during the winter of 1759, and the spring of 1760, after the other troops, enlisted for the campaign, had returned home.

Gen. Amherst's returns, upon which the Lords of the Treasury had determined to make the apportionment, although repeatedly called for by Mr. Bollan, in his correspondence with the Secretary of the Province, were delayed so long that, upon the suggestion of Mr. Mauduit, after his appointment, the Lords of the Treasury consented to apportion the grant according to the number of troops and times of service, of the respective quotas, as agreed upon by the colonial agents. The agents, accordingly, agreed that £10,000 should be retained by the Lords of the Treasury, to be held for future distribution, to provide for the adjustment of the additional claim of Massachusetts when the full returns should arrive, and that, in the mean time, the remaining £190,000, should be apportioned on the basis of the returns for the previous year. Under this arrangement Mr. Mauduit received £57,602. 6s. as the share of Massachusetts. This sum was paid July 28, 1762, at the office of the Paymaster-General, instead of through the Exchequer, as formerly—a

change effected by Mr. Bollan, by which something was saved in fees, and the trouble of taking part pay in tallies, avoided. A year later Mr. Mauduit wrote to the Secretary that the £10,000 was still undistributed, and that there was no likelihood that the disputes concerning it would be soon determined.

Mr. Bollan had received notice of bills overdrawn upon him to an amount exceeding £3,000, and there were still others that had not been presented; so that the amount of bills authorized to be drawn by the present act was larger than the balance remaining in Mr. Mauduit's hands, after setting aside a sum sufficient to meet liabilities already incurred.

Upon the receipt of General Amherst's returns it appeared that Pennsylvania and Connecticut had been largely overpaid in the apportionment by the Lords of the Treasury. The agent for the colony of Connecticut immediately agreed that the amount received by that colony, in excess of her proportion, ought to be deducted from that colony's share of the grant to reimburse the expenses incurred in the campaign of 1761, while the agent for Pennsylvania, as that province, according to Gen. Amherst's return, had furnished no troops for the campaign of 1761, and would, therefore, not be entitled to any portion of the next grant, upon the recommendation of the agents for all the colonies, agreed to represent the case to their constituents, "praying them that for the honor of the said colony and for supporting the credit of their agents Order might be taken to pay over in America, as soon as may be to the treasurers of the respective colonies" * * "the sum of £10,947 sterling" in the proportion agreed upon—that being the estimated amount which had been overpaid to Pennsylvania.

The whole expense to which Massachusetts had been subjected in the campaign of 1760, and towards the reimbursement of which the above apportionment was made, was carefully computed, at the time, to be £186,562, 9s. 1¾d., and, of the 5,500 men voted to be raised by this province, 4,964 actually took the field.

"June 18, 1760. The Committee are further of Opinion, that some proper persons be appointed and directed to prepare an Account, or Estimate of the Charges incurred by this Province, in the last years Expedition against Canada and particularly of the Charge occasioned by the Detention of the Provincials at Louisbourg, and Nova Scotia after the last years Campaign was over, As also of the sums advanced out of the Province Treasury, for payment of those of this Province that were employed for manning his Majesty's Ships of War, That an Estimate be made of the Expence arisen to this Province, on Account of the French Inhabitants of Nova Scotia, which have been sent hither, and been supported in great measure at the Publick Charge. And Whereas a Petition was sometime since presented to his Majesty in Council, by the Agent for this Province, Setting forth that divers Cannon, Mortars, and some Stores, which were taken from Castle William, and used in his Majesty's Service, at Oswego or on the Crown Point Expedition, were not returned, that others of the Cannon at Castle William were defective, and not to be depended on, and that for the proper strength of the Place, a greater Number of the larger Cannon was requisite, and there upon prayed, that the Cannon and Stores thence taken might be replaced, and such a Supply of Cannon and stores might be granted for Strengthening the said Castle, as to his Majesty should seem meet which Petition is still depending—The Committee are therefore of Opinion that a Plan of that Fortress, and an Account of the Ordnance there be prepared, and that the Commander in Chief of the Province, be desired to give Orders therefor, that so the same together with the Accounts and Estimates beforementioned, may be forthwith transmitted to Mr Agent Bollan, to enable him the better Sollicit and transact the Affairs of the Province in Great Britain; and that Instructions be given him accordingly.

* * * * * *

Which is humbly Submitted.

℔ SAMUEL DANFORTH ℔ order.

In Council Read and Accepted, and John Osborne and James Bowdoin Esquires with such as the Honourable House shall appoint be a Committee to prepare the Accounts and Instructions referred to, in said Report, and report.

In the House of Representatives Read and Concurred and Mr Welles, Mr Russell, and Mr Flucker are joined in the Affair. And the Committee are directed to sit forthwith, and report as soon as may be. In Council Read and Concurred.

In Council, Ordered that Samuel Watts Esqr be of the Committee in the room of John Osborne Esqr who is engaged on another Committee for a Publick Service.

In the House of Representatives; Read and Concurred."—*Council Records, vol. XXIII., p.* 454.

"June 19, 1760. In the House of Representatives—Whereas this Court have appointed a Committee to prepare and liquidate the Accounts, and other Papers, proper to be sent to Mr Agent Bollan, and make report to this Court; but as its probable said Committee will not be able to make report in the present Session, and it being necessary that some of said Accompts, and other Papers should be immediately sent—Therefore Voted that his Honor the Lieutenant Governor be desired to employ some suitable Person to prepare, and liquidate such Accounts as are necessary to be immediately sent to Mr Agent Bollan, and that when said Accounts are ready, his Honour be desired to direct the Secretary to forward them, together with the other necessary Papers for his Majesty's Service.

And Whereas it has been necessary for his Majesty's Service that the Troops of this Province employed the last Year at Louisbourg, and Nova Scotia (whose time of Service expired the first of November last) should continue there, and accordingly have continued there during the Winter, and Spring past, which has occasioned a very heavy and unexpected Charge upon the Province, which it is reasonable should be wholly reimbursed out of the last Parliamentary Grant to the

Colonies—Voted that his Honour be desired to cause an Account of such Charge to be prepared, Seperate from the other Accounts aforesaid and transmit the same to Mr Bollan, in order that he may Sollicit Payment for the whole of such Extra Charge out of the Parliamentary Grant aforesaid, before any part of said Grant be apportioned among the Colonies aforesaid.

In Council; Read and Concurred Consented to by the Lieutenant Governor."—*Ibid.*, *p.* 462.

"June 4, 1762. The Secretary delivered the following Message from his Excellency the Governor to the two Houses respectively viz:

Gentlemen of the Council and Gentlemen of the House of Representatives,

I must remind You, that before you rise, You should take order for the return of the money granted by Parliament for the Services of this Province for the Year 1760, into the Treasury.

Above a Year ago I explained to the General Court then sitting the advantage of drawing for their money rather than having it remitted in Specie: This advantage was great then, but it is doubled now; and will be very considerable, notwithstanding any unpunctuallities that may happen in the payments to your Agents.

I dont think that you can at present settle the whole terms of this business; but you may enable the Treasurer to draw for the money when certain advices of its being settled shall arrive.

And that there may be no occasion to call you together again for this purpose only, you may now appoint a small Committee to assist the Treasurer in fixing the Premium and other Conditions of the Bills he shall draw.

Fra Bernard."—*Ibid.*, *vol. XXIV.*, *p.* 404.

Chap. 11. "June 3, 1762. In Council, It being represented to the Board that the time allowed the Managers of the Lottery for finishing the Land Bank or Manufactory Scheme is expired; and that they have a number of Tickets by them unsold, which they cannot dispose of, or finish the Class they are now upon without the further Aid of this Court. Wherefore Voted That all the Power of the said Managers that they had by Law for finishing said Scheme be revived and continued for the space of three Months longer from this date. In the House of Representatives Read and Concurred."—*Council Records*, *vol. XXIV.*, *p.* 398.

"Sept. 9, 1762. A Petition of Joshua Henshw Esqr and others Mangers of the Land Bank Lottery, Setting forth, That they have agreed to begin the drawing of the Third Class in the said Lottery on the 10th current and have given public notice accordingly; but that they have upwards of 1300 Tickets unsold, which is 700 more than they are impowered by Law to place to the Company's Account, And Praying the Order of this Court thereupon.—

In the House of Representatives, In answer to the Memorial of Joshua Henshaw Esqr and Others Managers of the Lottery for drawing in the Bills of the late Land Bank Company.

Voted and Ordered That the drawing of the said Class in said Lottery be and hereby is postponed and put off until Tuesday the 28th day of September current and no longer, And that the said Managers in the mean time use their best endeavours to dispose of the remaining Tickets, and what remains unsold between this time and the compleating the drawing of said Class shall be at the risque of said Company, they to have the benefit of the Prizes arising on such remaining Tickets, and to sustain the Loss that may happen by them. And the Commissioners for finishing said Company's Affairs, in case of the Loss upon the Tickets so placed to the Company's risque should exceed the Profits of said Lottery, shall and hereby are impowered to hire the money on Interest to defrey such deficiency and to enable the Managers to pay off the benefit Tickets, and are also impowered and hereby directed to assess the Partners of said Company for the sum so deficient. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 460.

Chap. 12. "Jan. 18, 1763. A Petition of Elkanah Paine and Others a Committee of the Town of Trurow, Setting forth, That since the valuation taken the last year there has been great damage done by the Frosts & high winds the last Winter, whereby the best of their Lands, Meadows and Beaches have been overwhelmed with the Sands some parts of which are buried more than eighteen inches therewith,—And Praying to be relieved in their Taxes.

In the House of Representatives Read again and in Answer to this Petition Ordered, That the sum of Eight pounds be annually paid to the said Town of Truro out of the Public Treasury until the next valuation through the Province to enable them to keep their Beeches and extraordinary Fences in repair, and to enable them to pay their Province Tax. In Council Read and Concurred. Consented to by the Governor."—*Council Records*, *vol. XXIV.*, *p.* 501.

"Jan. 20, 1763. A Petition of Samuel Morse in behalf of the Selectmen of Natick, Setting forth, That after the last valuation, the General Court was pleased to set off near one fourth part of the Polls and Estates of Natick and annex them to Needham: and as the Province Tax for 1761 was apportioned by the said valuation the General Court ordered that the sum of £21, 9, 8½ should be abated to Natick, and added to the Town of Needham—Praying that the like order may take place for the year 1762.

In the House of Representatives: Ordered That the sum of twenty one pounds, nine shillings and eight pence one farthing be taken from the Tax laid on the Parish of Natick for the year 1762 and added to the Town of Needham, and that the Assessors of Needham be directed to assess said sum accordingly—In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 508.

"Feb. 16, 1763. A Petition of Abiel Terry and Others, Assessors of the Town of Freetown Setting forth, That in making their Assessment for the Year 1762, one Ammi Chase was omitted, and the Rate Bill was committed to one John Hathaway a Constable in said Town before the mistake was found, and he refuses to deliver the same back, that the mistake aforesaid may be rectified And as there is danger of some difficulties arising in collecting the Taxes, Praying that the said Assessment may be confirmed, and that they may be impowered to assess the said Ammi Chase what his proportion of the said Tax would have been, and that the same may be paid into the Town Treasury to defrey the charge of said Town, whereby every person therein will have their proportionable part of the benefit of said Chases Tax.

In the House of Representatives Read and Resolved That the Prayer of the Petition of the Assessors of the Town of Freetown be granted, and they be and are hereby impowered to assess the Polls and Estate of Ammi Chase by the same Rules and in the same proportion as the other Inhabitants of that Town are assessed in the last years assessment, and that the money arising thereby be paid into the Town Treasurer for the use of said Town; and that the assessment made on said Town for the last year be as good & valid to all intents and purposes as thô the mistake or omission as mentioned in their Petition had never happened. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 591.

"May 31, 1763. A Petition of Fellows Billings Representative of the Town of Sunderland—Praying that the Province Treasurer may be directed to repay the sum of ten Pounds, a Fine laid upon the Town of Sunderland and District of Montague for not sending a Representative to Court y^e^ last year, their Numbers being small and their Public Charges having been very great; besides which they have had the misfortune to have two School Houses consumed by Fire.

In the House of Representatives Read and Ordered That the prayer of the petition be granted. And the Petitioner is allowed to receive out of the Public Treasury the Sum of Ten Pounds for the use of the Town of Sunderland and Montague accordingly.

In Council Read and Concurred Consented to by the Governor."—*Ibid., vol. XXV., p.* 16.

"May 31, 1763. To Mr. Fellows Billing for the use of the Towns of Sunderland and Montague the sum of Ten pounds Allowed by the General Court as an Abatement of the Fine laid on them for not sending a Representative to the General Court in 1762, they being Poor and at a great expence as mentioned in their Petition."—*Executive Records of the Council, vol.* 5, *p.* 249.

"June 1, 1763. A Petition of John Jones Esq^r^ Representative of Hopkinston and in behalf of said Town. Praying That in consideration of some peculiar burdens they lye under, a fine of £9,15,6, imposed on them by the Court for not sending a Representative to the General Court may be remitted.

In the House of Representatives Read and Ordered that the Prayer of the Petition be granted. And that the Sum of Nine Pounds fifteen Shillings and five pence be granted out of the public Treasury To John Jones Esq^r^ for the use of the Town of Hopkinston accordingly.

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXV., p.* 20.

"June 1, 1763. To John Jones Esq^r^ for the use of the Town of Hopkinston the sum of nine pounds fifteen shillings and five pence, allowed by the General Court as an Abatement of the Fine laid on them for not sending a Representative to the General Court in the year 1762, they being poor and at great expence as mentioned in his Petition."—*Executive Records of the Council, vol.* 5, *p.* 250.

"Jan. 30, 1764. A Petition of Ezra Whittlesey of Stockbridge—Setting forth That being chosen a Constable in the Year 1762, the Assessors made their list of Assessment, and committed the same to him to collect, but neglected to sign the said List, which being discovered by sundry persons assessed thereon, they refuse payment. And Praying that the assessors for that year may be impowered to perfect their List, or that it may be otherwise declared valid.

In the House of Representatives, Resolved That the assessors of the Town of Stockbridge for the year 1762 or the Major part of them be impowered and directed as soon as may be to sign and compleat the List of Assessment of the Province Tax committed to the Memorialist without being perfected and that the said List so signed be good and valid to all intents and purposes. And that the Memorialist be and is hereby directed to finish his Collection of the remainder of said List, and account with the Treasurer as soon as may be.

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXV., p.* 171.

"June 4, 1764. A Memorial of John Stewart of Scarborough in behalf of the said Town—Setting forth That a Fine was imposed on the said Town of Fifteen pounds for not sending a Representative in the Year 1762. That a Fire happened in the said Year whereby many Houses were burnt, and also a Bridge by means whereof, and of the drought that Year, they were greatly impoverished. And Praying that the said Fine may be remitted.

In the House of Representatives; Read and Ordered That the Prayer of this Petition be granted, and the Petitioner is allowed to receive the Sum of Fifteen pounds out of the Public Treasury for the use of said Town accordingly.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 214.

"Nov. 1, 1764. A Petition of Joseph Woodman and Others, Inhabitants of Narraganset N^o^ one in the County of York—Setting forth—That being a Frontier Settlement, they were obliged till the Reduction of Quebec in 1759 to keep Watch and Ward; that having since had two years of great drought and scarcity, they were almost reduced to Famine thereby; in addition to which in the year 1762, a desolat-

ing Fire ravaged their Improvements, and burnt several of their Dwellings; in which year a Tax of £44,7,6, was laid on them, which they are unable to pay, as many of the Inhabitants were reduced to Penury, and obliged to remove elsewhere. And Praying that the said Tax may be remitted.

In the House of Representatives: Read and Resolved that the Prayer of this Petition be granted by remitting the Tax of Forty four pounds, seven shillings and six pence laid on Narraganset Township Number one in the Year 1762 and that the Treasurer be directed to stay the Execution gone forth against them therefor.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 310.

"Sept. 27, 1765. A Petition of John Stuart Representative of the Town of Scarborough Setting forth—That one George Lebby Constable of the s[d] Town was employed in the year 1762 to collect the Taxes laid upon said Town that he had collected part, but not having collected the whole in Season an Execution was issued from the Province Treasurer, whereupon he absconded, and the Town not being impowered by Law to appoint any other person to that office; praying that they be enabled to impower some person to collect the Taxes that remain due.

In the House of Representatives. Resolved that the prayer of this Petition be granted; and that the Town of Scarborough be and is hereby fully authorised and impowered at a Town Meeting called for that purpose to choose a suitable person to collect the outstanding Taxes that are borne on the Tax Bills committed to George Lebby to collect in the year 1762, who has absconded and not compleated his Collections, and the person so chosen shall be vested with all the powers and authorities to collect the same that the Collectors of Taxes by Law are vested withal, and is hereby directed and required to pay in his Collections to the respective Treasurers to whom the same are payable, and finish his Collections and settle his accounts with them by the last day of March next; and that the said Treasurers are hereby directed not to issue their Executions in the mean time. In Council, Read and Concurred. Consented to by the Governor."—*Ibid., vol. XXVI., p.* 78.

See, also, note, under date of June 8, 1764, to acts of 1763–4, chap. 10, *post.*

Chap. 15. See notes to 1763–64, chap. 10, *post.*

Chap. 17. "Dec. 28, 1763. The following Order passed upon the Memorial of Joseph Williams Esq[r] and others, a Committee of the Proprietors of a New Township Commonly called Roxbury or Gardners Canada, now known by the name of Warwick viz[t]

In the House of Representatives Ordered that the Prayer of the Petition be granted, and that the eleven hundred and ninety nine Acres of Province Land already incorporated into said Town of Warwick, be and hereby is given and confirmed unto the Present Proprietors of said Roxbury or Gardners Canada, to be to them their heirs and Assigns forever, in Order to make good what was taken off by the Government Line, and other deficiencies in the Petition mentioned.

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXV., p.* 103.

Chap. 19. "Feb. 23, 1762. A Petition of William Torrey and Others, Bakers of the Town of Boston—Setting forth That the Wheat imported into this Province is light grain, generally weighing but from fifty to fifty five pounds ℔ bushell, the heaviest and best of the Wheat being boulted into Flour in the Southern Governments, and that for want of a standard being fixed here for the weight of Merchantable Wheat, the Petitioners and other Inhabitants of the Province are exposed to great Loss, Further Setting forth the utility of the Millers being obliged to furnish themselves with Screens for the well cleansing of Grain before it is Ground, for want of which the meal often comes out gritty, And Praying that some proper Regulations may be made for remedying the mischiefs abovementioned.

In Council Read and Ordered That the Petitioners have leave to bring in a Bill for the purposes in their Petition mentioned. In the House of Representatives; Read and Concurred."—*Council Records, vol. XXIV., p.* 286.

Chap. 20. "Jan. 26, 1763. According to agreement the two Houses proceeded to the choice of Civil Officers for the present Year when James Russell Esq[r] was chosen Commissioner of Impost by a major part of the Council and House of Representatives. Consented to by the Governor."—*Council Records, vol. XXIV., p.* 522.

Chap. 21. "There's a Bill to continue a former Lottery Bill to raise the additional sum of 225 pounds sterling for building a bridge; the Commissioners advanced the money out of their own pocket and the sum is so trifling that I presume it needs no Apology."—*Gov. Bernard to Lords of Trade, April* 29, 1763: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.* 55, *in Public-Record Office.*

Chap. 22. "Jan. 21, 1763. A Petition of Walter Spooner of Dartmouth—Setting forth That some Injustice is like to be done to the Town of Chilmark by a strict adherence to the Tax Act, if the Stock kept upon the Elisabeth Islands lying in said Township, should be rated according to the rules therein prescribed, as many of the Owners of such Stock live in the Town of Dartmouth. And Praying the direction of this Court in that matter.

In the House of Representatives Read and Ordered That the Assessors of the Town of Dartmouth, and the Assessors of the Town of Chilmark be, and hereby are directed in apportioning their Public Taxes to have regard to such Creatures only as are liable to be taxed by Law, and as are commonly kept by the Owners or Occupants within the respective Towns aforesaid and the Appendages thereof viz[t]

That the said Assessors of Dartmouth shall assess all those Creatures found and usually kept within the Bounds of said Township to their respective Owners or Occupants pursuant to Law, and the Assessors of Chilmark shall also assess all such Creatures found & usually kept within the Town of Chilmark and its Appendages to the respective Owner or Occupants any former Act or Order to the contrary notwithstanding. In Council Read and Concurred."—*Council Records, vol. XXIV., p.* 511.

Chap. 23. "Sept. 17, 1762. In Council Voted, That William Brattle and James Bowdoin Esq^rs with such as the honorable House shall join be a Committee to project some more effectual methods for preventing damage to the Houses and other Estate within the several Towns of the Province by Bonfires, throwing of Squibs and Rockets and other Fireworks.

In the House of Representatives; Read and Concurred and Col^o Phillips, M^r Tyler and M^r Otis are joined in the affair."—*Council Records, vol. XXIV., p.* 478.

"Feb. 1, 1763. In Council Voted That Thomas Flucker and James Otis Esq^rs with such as the honourable House shall join be a Committee to revise the temporary Laws that are expired or near expiring, and to bring in a Bill for reviving and continuing the same In the House of Representatives Read and Nonconcurred." —*Ibid., p.* 540.

"*The Act for continuing expiring Laws* is the same with many others which have been before approved. This legislature deals so much in temporary Laws that it is become necessary to include many of them in one Act of continuation to avoid the immense multiplication of paper and parchment which would otherwise follow, And as all these Acts have separately received his Majesty's approbation I apprehend that there can be no inconvenience arise from their being continued by one Act."—*Gov. Bernard to Lords of Trade, April* 29, 1763: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 55, *in Public-Record Office.*

Chap. 24. "Feb. 9, 1763. In Council Ordered That James Otis Esq^r with such as the honorable House shall join be a Committee to prepare a Bill to oblige the Registers of the Court of Probate and the Clerks of the Superior Court and Courts of Session in the several Counties in the Province to give security for the faithful discharge of the duties of their several Offices, and that the Committee be instructed to project some method to prevent unnecessary Copies being taken out of the Clerks Offices in the several Courts thrô the Province.—In the House of Representatives Read and Concurred and Capt Livermore and Major Morey are joined in the Affair."—*Council Records, vol. XXIV., p.* 560.

See, also, 1763-64, chap. 12, *post*, and note.

Chap. 25. "Dec. 23, 1760. The Secretary by order of his Excellency the Governor delivered the following Message to the two Houses respectively viz^t

Gentlemen of the Council, and Gentlemen of the House of Representatives,

A Representation and Complaint, having been made to the Commissioners of the Society, for propagating the Gospel in New England, and parts adjacent in America, in behalf of a Number of Indians at Martha's Vineyard, that a great part of the Lands which were given by one of their Sachems in 1670—to the Praying Indians, so Called) forever, has been Alienated to the English—The said Commissioners have made application to me, to recommend it to the General Court to enquire into the Facts, that if it should appear, that the said Indians have been wronged, they may meet with that Relief which to Justice appertains.

The state of the Case is herewith laid before you: a Law Suit must be very expensive to the Parties on both sides; and as the Government are the natural Guardians of the Indians, and must by Virtue of the several Laws they have made relative to them, be looked upon to be their Guardians in fact, it will be most proper for them to take Cognizance of this Complaint: and I accordingly recommend it to you, to make a strict Enquiry into the Truth of the Facts suggested in said Complaint, and to take such Order in the Case, as shall be judged requisite.

FRA: BERNARD."—

Council Records, vol. XXIII., p. 524.

"Dec. 23, 1760. In the House of Representatives, Voted that M^r Welles M^r Foster, and Col^o Choate, with such as the honourable Board shall join be a Committee on the Governors Message of the 22^d Instant, respecting Indians at Martha's Vineyard, and report thereon. In Council Read and Concurred: and William Brattle and Thomas Hubbard Esq^rs are joined in the Affair."—*Ibid., p.* 526.

"March 27, 1761. The Committee appointed on his Excellency's Message of 22^d December last relating to some Injuries said to be done to the Indians at Martha's Vineyard—Reported as follows, The Committee have attended the above Service and report that in their Opinion it is highly necessary that a Committee of this Court be appointed to go upon the Spot, fully to enquire into facts and make report.

(Signed) W^m BRATTLE {[}' order

In the House of Representatives read and accepted, and ordered that M^r Foster and M^r Howard with such as the honourable Board shall appoint be a Committee for the purposes mentioned. In Council Read and Concurred and William Brattle Esq^r is joined in the Affair."—*Ibid., p.* 668.

"Jan. 25, 1762. In Council, The Committee appointed the 27: March last in consequence of his Excellency's Message of 22^d December 1760, to repair to Martha's Vineyard and inquire into the complaints of the Indians respecting some Lands given to the Praying Indians (so called) of the said place reported according to order.

In Council Read and accepted and thereupon Ordered That William Brattle Esq^r

with such as the honourable House shall join be a Committee to receive the Deeds, settle and run the Lines as proposed in the said Report, that so an Act may pass confirming to the English Purchasers and their heirs the remaining Tracts of Land in Christian Town purchased of the Indians by deeds recorded in the Records of Deeds for the County of Dukes County at any time before the 22d August 1761. The said Purchasers or their heirs to pay the Cost thereof. In the House of Representatives Read and Concurred and Thomas Foster and Daniel Howard Esqrs are joined in the Affair.—*Ibid., vol. XXIV., p.* 197.

"Feb. 15, 1763, The following Report was offered by a Committee of both Houses vizt

The Committee appointed the 25th of January 1762 have attended the Services assigned them, have been to Christian Town so called upon the Island of Martha's Vineyard, have settled and run the Lines as proposed in the Report of the Committee appointed in consequence of his Excellency's Message to inquire into the Complaints of the Indians respecting some Lands given to the Praying Indians so called and have received the deed referred to in said Report, and is herewith exhibited and apprehend that an Act ought to pass this Court confirming to the English Purchasers and their heirs sundry Tracts of land in said Christian Town as by said Report referrence thereto more fully will appear.

(Signed) W. BRATTLE ℔ Order

In Council Read and Accepted; And Ordered That William Brattle Esqr with such as the honorable House shall join be a Committee to prepare a Bill for the purposes therein mentioned and that the Secretary cause the Deed herewith presented to be recorded in the Book of Laws in his Office. In the House of Representatives; Read and Concurred and Capt Livermore and Mr Foster of Plymouth are joined in the Affair."—*Ibid., p.* 585.

Chap. 26. "Feb. 11, 1763. A Petition of Edward Wing of Sandwich—Setting forth that Elisha Bourn of Sandwich, Clerk of the military Company there, recovered Judgment against the Petitioner at the Inferior Court held at Barnstable in May 1757, for £20 debt and £1.18.6 costs for not attending a military muster, and Execution was levyed on his Estate vizt Six acres and 30 rods of Land which he purchased not many years since at the rate of £9,17,4 ℔ acre. which Land the said Elisha Bourn afterwards sold to one Lot Nye, who now claims the same. That the Petr is one of the People called Quakers, and his non attendance on the military muster aforesaid was occasioned Solely by Scruples of conscience and did not proceed from obstinacy and Contempt, and that the Execution was levyed after the Law was repealed, and two thirds of the Fine remitted, and Praying Relief.

In the House of Representatives; Read and Ordered that Mr Tyler Colo Gerrish and Major Humphry with such as the honble Board shall appoint be a committee to take this Petition under consideration and report what they judge proper for this Court to do thereon.

In Council Read and Concurred and William Brattle and James Bowdoin Esqrs are joined in the affair. (the 11th)

The Committee on the foregoing Petition of Edward Wing having made Report; the same was read in Council and sent down—

In the House of Representatives Read and so far accepted as that it be recommended to the within named Lot Nye to reconvey the Estate herein mentioned to Edward Wing junr one of the Petitioners, the said Lot first receiving the money he gave for said Land and the interest thereof to the day of payment from the day he paid it: Otherwise that Elisha Bourn within named be served with a copy of this Petition that he may shew cause (if any he hath) on the second Wednesday of the next May Session why the Prayer thereof should not be granted.

In Council Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXIV., p.* 580.

"June 3, 1763. A Petition of Edward Wing Junr of Sandwich, one of the People called Quakers—Praying Releif under the hardship he has suffered by having his Land sold to discharge a fine laid on him for not attending military musters, as entered the 11th and 12th Febry last.

In Council 30th May 1763. Read together with the Answer of Elisha Brown and Lot Lye and sent down.

In the House of Representatives Read again together with the Answer of Elisha Brown and Ordered That Mr Folger, Mr Gardner and Dr Smith with such as the honble Board shall join be a Committee to consider this Petition and Answer and make report.

In Council Read and Concurred and William Brattle and Nathl Sparhawk Esqrs are joined in the Affair."—*Ibid., vol. XXV., p.* 27.

"June 8, 1763. Upon the report of the Committee appointed the 3d Inst on the Petition of Edward Wing and the answer of Elisha Brown thereto the following order passed Vizt In Council Read and sent down. In the House of Representatives Read and thereupon Resolved that after the said Elisha and Lot in the Petition named have ascertained to the Governor and Council the costs they really have been at in the prosecution of the Action therein mentioned, and the consequent costs thereof that then the same be paid out of the Public Treasury to the Petitioner to enable him to obtain the recovery of his Land from the Respondents. It appearing by their answer that they are willing to reconvey upon their receipt of said cost the Land mentioned to the said Petitioner Edwd Wing junr In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 40.

Feb. 26, 1767. A Petition of Phineas Lovet Captain of the Military Foot Company in the Town of Mendon—Setting forth That in the years 1758 & 1759 He was by a Law of this Province obliged to raise a certain number of Men for the General

Service of the War: that the Government allowed a certain Sum as a bounty to encourage Men to inlist, and provided that in case a sufficient number should not inlist by a certain day, there should be an impress to compleat the Quota of each Company; & in case there should be any of the people called Quakers liable to be impressed, the Capt of the Company to which they belonged were impowered and required to employ a Sum not exceeding £13.6.8. ℔ Man to hire one in the room of such Quaker, which Sum was to be assessed on such Quaker who was thus excused from a personal Impress. That the Province Bounty being insufficient to procure the Men by inlistment, his Company agreed to augment the bounty in order to prevent an Impress; which proposal was communicated to one George Aldrich whom the Quakers had appointed to represent them, and he readily complied therewith; and by this means the inlistment was effected: notwithstanding which the said Aldrich commenced an Action against the Petitioner for the Sum assessed on him, alledging, that as the Men upon Record appeared to be inlisted Men, the Quakers were not by Law held to pay any part; and finally recovered of him £6.7.4 damages & £15.8.3. Costs, for which Sums execution was issued, and he paid the money, besides other Charges and expences. And praying Relief.

In the House of Representatives. Read & Ordered that there be allowed and paid to the Petitioner out of the public Treasury the Sum of Forty eight pounds twelve shillings and three pence in full satisfaction for his expence in the Suit brought against him by George Aldrich as set forth in the Petition.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid., vol. XXVI., p.* 424.

See, also, 1757-58, chap. 17, and note, *ante*.

ACTS,

PASSED 1763–64.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-fifth day of May, A.D. 1763.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJEST[IE][Y']S GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his excellency, Francis Bernard, Esq[r][*uire*], captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of this government. [*Passed May* 30.*

Grant of £1,300, for the support of his majesty's governor.

CHAPTER 2.

AN ACT TO IMPOWER DAVID SEWALL, OF YORK, GENTLEMAN, TO COLLECT THE EXCISE DUE IN THE COUNTY OF YORK, ON SPIRITUOUS LIQUORS, IN THE YEAR 1762.

Whereas Daniel Clark[e], of York, in the county of York, gentleman, was chosen collector of the excise on spirituous liquors, for the said county of York, for the year 1762, and before he had compleated his collections went out of this province, and is supposed to be dead,— Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

That David Sewall, of York, gentleman, be and he hereby is fully authorized and impowered to levy, collect and receive from all persons all the said duties of excise, remaining due within the said county of York, for the said year 1762; and the said David is hereby invested with all the powers and priviledges, and is declared to be subject to all the obligations, with respect to such excise, which the said Daniel was invested with and subject to. [*Passed June* 16.† David Sewall empowered to collect the excise for 1762.

CHAPTER 3.

AN ACT FOR INCORPORATING THE INDIANS AND MOLATTOES, INHABITANTS OF MASHPEE, WITH THEIR LANDS THERE, INTO A DISTRICT, WITH CERTAIN PRIVILEDGES; AND FOR THEIR BETTER REGULATION.

Whereas it hath been the repeated, and is the importunate, desire of the Indians and molattoes, proprietors in Mashpee, in the county of Preamble.

* Signed June 16, according to the record.
† Signed June 10, according to the list transmitted by the governor.

Barnstable, to be incorporated and vested with certain priviledges, and that there may be some further regulations of them and their interest there; and the same appearing reasonable,—

Be it enacted by the Governor, Council and House of Representatives,

Mashpee erected into a district.

[SECT. 1.] That all the lands belonging to the Indians and molattoes in Mashpee be and hereby are erected into a district by the name of Mashpee, with the following privile[*d*]ges; viz[t]., that the Indian and molatto inhabitants and proprietors of Mashpee be and hereby are impowered, in the month of March, annually, to meet in the public meeting-house in said Mashpee, then and there to elect a moderator of said meeting and five overseers (two of said overseers being Englishmen), a town clerk and treasurer, they being Englishmen, two wardens, and one or more constables; that said overseers, or the major part of them, shall have the sole power to regulate the fishery in said Mashpee, and also to allot out and proportion to the Indians and molattoes their upland and meadows, and to lease such lands and fishery as said inhabitants and proprietors hold in common and undivided, for a term not exceeding two years from and after the first of March, 1764,—the profits and incomes arising therefrom to be applied, at the discretion of the said overseers, or the major part of them, to and for the support of the said indigent Indians and molattoes, and for no other use or purpose whatsoever; and that the said overseers or trustees, or the major part of them, shall be and hereby are impowered, in their names and capacity, to bring writs of ejectment against any person or persons that have, or shall illegally get into possession of any part of, the lands of the said Indians or molattoes, and writs of trespass against any who have or may trespass upon their lands or properties, and the same to pursue to final judgment and execution; and that said overseers shall have the same power with respect to calling of district meetings as the selectmen of any town in this province by law now have: and that after the lines of Barnstable, Sandwich and Falmouth, bounding upon Mashpee, are run as this court shall order, that said overseers or trustees shall have full power, and are hereby enjoined, to perambulate the same; and the selectmen of the abovenamed towns are hereby required to perambulate said lines, with said overseers, every three years; and for every neglect there shall be the same forfeiture as if they had the title of selectmen; and that all matters relative to the said proprieties be transacted at said town-meetings, notice thereof being given in the warrants for calling the same; and that said overseers or trustees, clerk and treasurer, shall act indifferently both in district and proprietary affairs in said district of Mashpee.

Officers to be chosen.

Power of such officers.

Lines to be perambulated.

And be it further enacted,

Indians, &c., empowered to admit others.

[SECT. 2.] That it shall be in the power of said Indians and molattoes, inhabitants, to admit other Indians or molattoes to be inhabitants and proprietors of said Mashpee; and that the lands belonging to said Indians or molattoes, thus admitted, if any they have, shall and may be sold by the commissioners from the corporation for propagating the gospel in New England and parts adjacent; and the treasurer, for the time being, to the said commissioners, is hereby authorized and impowered, in such case, to execute good and sufficient deeds of the same; and the interest arising from such sale shall, by the said commissioners, be annually put into the hands of said overseers, for the support of the poor and indigent Indians and molattoes of said district of Mashpee, and for that use only.

And be it further enacted,

Actions, except in certain cases, debarred.

[SECT. 3.] That no action shall be brought against any of said Indians or molattoes for any contract or debt, whatsoever, made or entered

into after the publication of this act, unless the same be made or entered into with the express consent and approbation of such persons, or the major part of them, as shall be nominated and appointed by the governor, by and with the advice and consent of the council, to have the inspection of the said plantation, pursuant to the laws of this province made and passed in the sixth year of King William and Queen Mary; and every action brought for debt or contract, not approved as aforesaid, shall be forever debarred. 1693-94, chap. 17, § 1.

And be it further enacted,

[Sect. 4.] That no Indian or molatto inhabitant of Mashpee shall bind out his or her child or children to any English person whatsoever, by indenture or any other way, in satisfaction or as a security for any debt of their parents, nor without the approbation of the major part of the overseers aforesaid; and that every indenture or any instrument whatsoever, or parole agreement, whereby such child or children shall be bound out contrary to the true intent and meaning of this act, shall be adjudged null and void. Indians, &c., not to bind out their children.

And be it further enacted,

[Sect. 5.] That if any of said Indians or molattoes shall be committed to goal, for debt, he or they shall have the same liberty to swear out of goal, and the same benefit resulting therefrom as any white person by law now hath who hath no estate; they being proprietors in the lands of Mashpee, notwithstanding. Indian debtors allowed to swear out of jail.

And be it further enacted,

[Sect. 6.] That it shall and may be lawful for said proprietors and inhabitants, at any time before the first day of August next, to assemble in the meeting-house aforesaid, then and there to chuse a moderator, five overseers, a town clerk, a town treasurer, two wardens, and one or more constables, as aforesaid, for the year ensuing; and that Thomas Smith, Esq[r]., be and he hereby is impowered and directed to call a meeting of said proprietors and inhabitants for the purpose aforesaid. Proprietors to choose district officers.

[Sect. 7.] This act to continue and be in force three years from the fifteenth day of June, 1763, and no longer. [*Passed June* 14.* Continuance.

CHAPTER 4.

AN ACT TO ENABLE THE COURT OF GENERAL SESSIONS OF THE PEACE, FOR THE COUNTY OF BARNSTABLE, TO GRANT LICENCES TO INNHOLDERS AND RETAILERS IN THAT COUNTY, ON THE LAST TUESDAY OF JUNE, ANNUALLY.

Whereas by law the time for granting licences to innholders and retailers is fixt at the first general sessions of the peace that shall be held and kept, in course, within the several counties, in this province, at or next after the nine-and-twentieth day of June, annually, and it sometimes so happens, that, in the county of Barnstable, the court of sessions, appointed by law to be held on the last Tuesday of June, is the licence court, and sometimes is not, as the law now stands; which is found inconvenient to the county,— Preamble. 1698, chap. 10, § 11.

Be it therefore enacted by the Governor, Council and House of Representatives,

That, for the future, the court of general sessions of the peace for the county of Barnstable be and they are hereby impowered to grant licences to innholders and retailers in said county, at their sessions on the last Tuesday of June, annually, althô it should so fall out that said session happen to be before the twenty-ninth day of June. [*Passed June* 14, 1763.* Licenses to be granted on the last Tuesday of June.

* Signed June 16, according to the record.

CHAPTER 5.

AN ACT FOR ALTERING A CLAUSE IN AN ACT MADE IN THE THIRTIETH YEAR OF HIS LATE MAJESTY KING GEORGE THE SECOND, INTIT[*U*]LED "AN ACT TO PREVENT DAMAGES BEING DONE UNTO BILLINGSGATE BAY IN THE TOWN OF EASTHAM, BY CATTLE AND HORSES FEEDING ON THE BEACH AND ISLANDS ADJOINING THERETO."

Preamble. 1756-57, chap. 31.

WHEREAS, by an act intit[*u*]led "An Act to prevent damage[s] being done unto Billingsgate Bay in the town of Eastham, by cattle and horses feeding on the beach and island adjoining thereto," Samuel Smith, Esq[r]., his heirs, executors and administrators, are obliged to keep a house and family on an island lying to the southward of Griffin's Island, so called, and it being represented to this court by Samuel Smith, Esq[r]., by his petition, that it is found by experience to be very inconvenient, and not to answer the purposes designed thereby, in said act, so well as a family might do if they lived on Griffin's Island; wherefore,—

Be it enacted by the Governor, Council and House of Representatives,

A family to be kept on the south part of Griffin's Island.

That Samuel Smith, Esq[r]., be no longer obliged to keep a house and family on any of the islands southward of Griffin's Island, so called; but henceforth, during the continuance of said act, the said Samuel Smith, his heirs, executors and administrators, be and hereby are obliged to keep a family on the southward part of Griffin's Island, so called, for the ends and purposes mentioned in said act. [*Passed June* 14.*

CHAPTER 6.

AN ACT TO ENABLE JUSTICES OUT OF COURT TO GRANT LICENCE, IN CERTAIN CASES, TO RETAIL STRONG LIQUORS AND TO KEEP HOUSES OF PUBLICK ENTERTAINMENT; AND THEREBY TO PREVENT UNNECESSARY PETITIONS TO THE GENERAL COURT.

Be it enacted by the Governor, Council and House of Representatives,

Justices to grant licenses, in certain cases. 1755-56, chap. 39.

[SECT. 1.] That when it shall happen that any licenced innholder or retailer shall be deceased before the year be expired for which licence shall have been granted, and the widow of the deceased, if such there be, or other person improving such licenced house, shall desire to exercise said employment therein the remainder of the year, and shall make application to two justices of the peace, *quorum unus*, in the county where such house shall be, such justices are hereby impowered and enabled to grant licence to such person making application for such licence, for the remainder of the year: *provided* such person be suitably qualified therefor, and recommended by the selectmen of the town in manner as the law directs.

Provided, always,—

Proviso

[SECT. 2.] That the person so licenced shall recognize, before said justices, with sureties as the law directs, for his or her keeping good rule and order and duly paying the excise, before they exercise the said employment. [*Passed June* 14.*

* Signed June 16, according to the record.

CHAPTER 7.

AN ACT FOR THE BETTER REGULATING OF THE SERVICE OF EXECUTIONS, MORE ESPECIALLY IN THE REMOTE COUNTIES OF THE PROVINCE.

Preamble.

Whereas the inferior court of common pleas in several of the counties of this province are, by law, held twice only in the year, so that executions upon judgments obtained in such counties, at said courts, are returnable but once in six months, whereby the creditor is or may be kept for a long time out of his just debt; while in the other counties of the province the writs are returnable every three months,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Executions, how to be made out.

That from and after the publication of this act, the clerks of the inferior court of common pleas in and for [*the*] said counties, are hereby authorized and directed to make all executions, on judgments obtained in said courts, returnable into the said clerk's office, within three months from the date thereof; and the clerk of said courts is further authorized, upon the return of such execution, to renew or make out an *alias* execution for the whole or the remainder, as the case may be, returnable at the next inferior court to be held in and for such count[*y'*][*ie*]s. [*Passed June* 15.*

CHAPTER 8.

AN ACT FOR CONTINUING CERTAIN CLAUSES IN AN ACT PASSED IN THE THIRTIETH YEAR OF HIS LATE MAJESTY'S REIGN, INTITULED "AN ACT FOR PROVIDING AND MAINTAINING TWO ARMED VESSELS TO GUARD THE COAST, AND FOR SUPPLYING THE TREASURY WITH SEVEN THOUSAND POUNDS FOR THAT END."

Preamble. 1756-57, chap. 12.

Whereas, by an act intituled "An Act for providing and maintaining two armed vessels to guard the coast, and for supplying the treasury with seven thousand pounds for that end," there was granted to his most excellent majesty a duty of sixpence per ton on all ships and other vessels, and also a duty, or excise, of sixpence per pound upon tea, and twopence per pound upon coffee, and five per cent upon china-ware, *ad valorem*, from and after the first day of November, in the thirtieth year of his late majesty's reign, during the continuance of the then war with France, and until the first day of November then next following; *and whereas*, by the conclusion of the said war, the exigencies of the province do not require that the said duty on shipping should be further continued, but those on tea, coffee, and china-ware ought to be further continued beyond their present period,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Duties on tonnage of shipping, to cease.

That the duties mentioned and laid in and by said act upon shipping, shall cease and determine on the twentieth day of June, A.D. one thousand seven hundred and sixty-three; and that the duties laid in and by said act, upon tea, coffee, and china-ware shall be continued until the first day of November, A.D. one thousand seven hundred and sixty-five: and all clauses in the said act respecting these last mentioned duties are hereby declared to be and remain in full force until the same day. [*Passed June* 15.*

Duties on tea, coffee, and china-ware, continued.

* Signed June 16 according to the record.

CHAPTER 9.

AN ACT FOR INCORPORATING THE FOURTH PARISH OF SPRINGFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A SEPARATE TOWN BY THE NAME OF WILBRAHAM.

Preamble.

WHEREAS the inhabitants of the fourth parish in said Springfield have represented to this court that they labour under great inconvenienc[*i*]es and difficulties in attending on the publick affairs of the said town, by reason of their great distance from the usual place where they are transacted, &c., and that they are increased to such numbers that it may be fitting they should be incorporated into a separate town; and have accordingly petitioned this court therefor,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of the town of Wilbraham.

[SECT. 1.] That the said fourth parish in said Springfield, with the addition of half a mile west from the west line of said parish, from Chicobee River on the north, to the northerly line of the township of Somers on the south,—be erected into a separate town by the name of Wilbraham; and that the inhabitants of said town be invested with all the powers and priviledges that towns in this province enjoy by law, that of sending a representative to this court only excepted; and that the said town shall have full right and liberty, from time to time, to join with said town of Springfield in the choice of representatives to represent them at the general assembly; and that the said town of Wilbraham shall, from time to time, be at their proportionable part of the expence of such representatives, and the freeholders and other inhabitants of Wilbraham shall be notified of the time and place of election, in like manner as the inhabitants of said Springfield, by a warrant from the selectmen of said Springfield, directed to the constable of said Wilbraham, directing him to warn the inhabitants of said Wilbraham to attend the said meeting at the time and place therein assigned; and that the pay of such representatives be born[e] by said towns of Springfield and Wilbraham, in the same proportion, from time to time, as they pay to the province tax.

To join with Springfield in the choice of representatives.

And in order effectually to prevent any future dispute that might otherwise arise between the said towns of Springfield and Wilbraham, respecting their joint interests or joint duties,—

Be it enacted,

Wilbraham town: priviledges and duties.

[SECT. 2.] That the said town of Wilbraham shall enjoy the two ministry- and school lots in said town in full satisfaction of their share in the ministry- and school lands in said town of Springfield and of the money and debts due to said town; that they pay their due proportion of the town debts already contracted, and have their due proportion of the town stock of ammunition; that they pay to the support of the present poor of said town of Springfield, now supported at the town charge, eleven pounds in one hundred, so long as they shall continue a charge to said town; and that this act shall not be construed to hinder or prevent any persons, inhabitants of said Springfield, from cutting timber, or taking the herbage or stone, on any of the lands in said Wilbraham, so long as they remain unfenced, any more than if this act had not been made,—

And be it further enacted,

Town-meeting to be warned.

[SECT. 3.] That John Worthington, Esq[r]., be and hereby is [e][*i*]mpowered and directed to issue his warrant, directed to some principal inhabitant of said Wilbraham, requiring him to warn the inhabitants of said town, qualified to vote in town affairs, to assemble

at some suitable time and place in said town to choose such officers as may be necessary to manage the affairs of said town, which, at such meeting, they are hereby [e][*i*]mpowered to choose.

Provided, nevertheless,—

[Sect. 4.] The inhabitants of said Wilbraham shall pay their proportionable part of all such province and county taxes as are already set upon them by the said town of Springfield, in like manner as tho' this act had not been made. Proviso respecting taxes.

And be it further enacted,

[Sect. 5.] That of the sum set on the town of Springfield, as their proportion, with other towns, to a tax of one thousand pounds, for the future the said town of Springfield shall retain the sum of eleven pounds two shillings and tenpence, two farthings; and that there be set on the said town of Wilbraham the sum of one pound thirteen shillings and sixpence, as their rate or proportion for their payment of publick taxes. [*Passed June* 15.* Tax on Springfield and Wilbraham; proportioned.

CHAPTER 10.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FIFTY THOUSAND POUNDS; ALSO FOR APPORTIONING AND ASSESSING A TAX OF EIGHTEEN HUNDRED AND TWENTY-EIGHT POUNDS TWO SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-TWO; ALSO FOR APPORTIONING AND ASSESSING A TAX OF SEVENTY-TWO POUNDS, FOR FINES LAID UPON TOWNS THAT HAVE NOT SENT ANY PERSONS TO REPRESENT THEM IN THE GENERAL COURT THE PRESENT YEAR; ALSO FOR ASSESSING SUNDRY TOWNS FOR THE SUM OF NINETY-EIGHT POUNDS FOUR SHILLINGS AND SIXPENCE, BEING SO MUCH ORDERED BY THE GENERAL COURT TO BE ADDED TO THEIR TAX THE PRESENT YEAR, OVER AND ABOVE THEIR PROPORTION OF WHAT IS LAID ON SAID TOWNS; ALSO FOR ASSESSING SUNDRY TOWNS IN THE COUNTY OF HAMPSHIRE THE SUM OF SEVENTY-THREE POUNDS FIFTEEN SHILLINGS, TAKEN OFF FROM ROXBURY-CANADA, WHICH SUM WAS LAID ON THEM IN THE TAX ACTS FOR THE TWO LAST YEARS: ALL WHICH SUMS AMOUNT TO FIFTY-TWO THOUSAND AND SEVENTY-TWO POUNDS ONE SHILLING AND SIXPENCE.

Whereas the great and general court or assembly of this province did, in their session in January, one thousand seven hundred and sixty, levy a tax of seventy-five thousand pounds; and also, at their session in April following, did levy one other tax of five thousand five hundred pounds; and by another act at their session in June, one thousand seven hundred and sixty, did levy a further tax of twenty-four thousand pounds; and at their session in June, one thousand seven hundred and sixty-two, did levy a further tax of thirty-nine thousand nine hundred and eighty-four pounds: amounting, in the whole, to one hundred and forty-four thousand four hundred and eighty-four pounds; and by the acts aforesaid provision was made that the great and general court might, at this present session, apportion the same on the several towns, districts, parishes and places within this province, if they thought fit; *but inasmuch* as such a heavy tax will be insupportable to the inhabitants of the province, under their present distressed circumstances, and as the parliament of Great Britain have been graciously pleased to make a grant to the colonies of the sum of one hundred and thirty-three 1759-60, chap. 17, § 2. 1759-60, chap. 40, § 2. 1760-61, chap. 8, § 4. 1762-63, chap. 9, § 4.

* Signed June 16, according to the record.

thousand three hundred and thirty-three pounds six shillings and eightpence sterling, to recompence them for their services and expences in the expedition for the year one thousand seven hundred and sixty-one; and have also made a further grant to the colonies of the like sum of one hundred thirty-three thousand three hundred and thirty-three pounds six shillings and eightpence sterling, to recompence them for their services and expences in the expedition for the year one thousand seven hundred and sixty-two; which monies, when drawn for by the province, or otherwise received into the treasury, with the tax of fifty thousand pounds agreed to be assessed and levied this year, will be sufficient to redeem the government securities, with the interest that will become due in June next, which the treasurer is hereby directed and impowered to apply to that purpose, when the same shall be received into the treasury, and for no other purpose whatsoever; wherefore, for the ordering, directing and effectual drawing in the said sum of fifty-two thousand and seventy-two pounds one shilling and sixpence, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

And be it accordingly enacted by the Governo[u]*r, Council and House of Representatives*,

[SECT. 1.] That each town, district, parish or other place within this province be assessed and pay, as such town, district, parish and place's proportion of the sum of fifty-two thousand and seventy-two pounds one shilling and sixpence; the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Boston	£0 0s. 0d.	£67 0s. 0d.	£5,646 9s. 2d.	Five thousand seven hundred and thirteen pounds nine shillings and twopence	£5,713 9s. 2d.
Roxbury	0 0 0	16 0 0	613 6 8	Six hundred and twenty-nine pounds six shillings and eightpence	629 6 8
Dorchester	0 0 0	16 15 0	379 6 8	Three hundred [*and*] ninety-six pounds one shilling and eightpence	396 1 8
Milton	0 0 0	20 0 0	252 1 8	Two hundred and seventy-two pounds one shilling and eightpence,	272 1 8
Braintree	0 0 0	20 7 6	488 10 10	Five hundred and eight pounds eighteen shillings and fourpence	508 18 4
Weymouth	0 0 0	19 12 6	246 0 10	Two hundred and sixty-five pounds thirteen shillings and fourpence,	265 13 4
Hingham	0 0 0	17 0 0	499 3 4	Five hundred and sixteen pounds three shillings and fourpence	516 3 4
Dedham	0 0 0	19 12 6	430 0 0	Four hundred and forty-nine pounds twelve shillings and sixpence,	449 12 6
Medfield	0 0 0	14 0 0	196 9 2	Two hundred and ten pounds nine shillings and twopence	210 9 2
Wrentham	0 0 0	21 10 0	378 15 0	Four hundred pounds [and] five shillings	400 5 0
Brookline	0 0 0	0 0 0	169 4 $4\frac{3}{4}$	One hundred and sixty-nine pounds four shillings and fourpence three farthings	169 4 $4\frac{3}{4}$
Needham	0 0 0	0 0 0	169 10 6	One hundred and sixty-nine pounds ten shillings and sixpence	169 10 6
Stoughton	0 0 0	20 15 0	337 5 $10\frac{3}{4}$	Three hundred and fifty-eight pounds and tenpence three farthings,	358 0 $10\frac{3}{4}$
Medway	0 0 0	17 12 6	138 10 10	One hundred and fifty-six pounds three shillings and fourpence	156 3 4
Bellingham	0 0 0	0 0 0	83 19 2	Eighty-three pounds nineteen shillings and twopence	83 19 2
Hull	0 0 0	0 0 0	48 6 8	Forty-eight pounds six shillings and eightpence	48 6 8
Walpole	0 0 0	0 0 0	147 10 0	One hundred and forty-seven pounds ten shillings	147 10 0
Chelsea	0 0 0	17 0 0	133 19 2	One hundred and fifty pounds nineteen shillings and twopence	150 19 2
	£0 0s. 0d.	£287 5s. 0d.	£10,358 9s. $11\frac{1}{2}$d.	Ten thousand six hundred [and] forty-five pounds fourteen shillings and elevenpence halfpenny	£10,645 14s. $11\frac{1}{2}$d.

IN THE COUNTY OF ESSEX.

Salem	£0 0s. 0d.	£26 0s. 0d.	£934 15s. 10d.	Nine hundred and sixty pounds fifteen shillings and tenpence	£960 15s. 10d.
Danvers	0 0 0	18 15 0	413 10 10	Four hundred and thirty-two pounds five shillings and tenpence	432 5 10
Ipswich	0 0 0	9 15 0	925 16 8	Nine hundred and thirty-five pounds eleven shillings and eightpence,	935 11 8
Newbury	0 0 0	35 15 0	1,279 3 4	[Thirteen] [*One thousand three*] hundred and fourteen pounds eighteen shillings and fourpence	1,314 18 4
Marblehead	0 0 0	15 10 0	821 13 4	Eight hundred and thirty-seven pounds three shillings and fourpence,	837 3 4

IN THE COUNTY OF ESSEX—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Lynn	£0 0*s.* 0*d.*	£20 7*s.* 6*d.*	£397 18*s.* 4*d.*	Four hundred and eighteen pounds five shillings and tenpence	£418 5*s.* 10*d.*
Andover	0 0 0	21 5 0	629 7 6	Six hundred and fifty pounds twelve shillings and sixpence	650 12 6
Beverl[e]y	0 0 0	21 2 6	391 13 4	Four hundred and twelve pounds fifteen shillings and tenpence	412 15 10
Rowley	0 0 0	20 2 6	387 5 10	Four hundred and seven pounds eight shillings and fourpence	407 8 4
Salisbury	0 0 0	19 0 0	300 4 2	Three hundred and nineteen pounds four shillings and twopence	319 [*4**][*2**]
Haverhill	0 0 0	18 10 0	480 16 8	Four hundred and ninety-nine pounds six shillings and eightpence,	499 [*6**][*8**]
Gloucester	0 0 0	13 0 0	602 14 2	Six hundred and fifteen pounds fourteen shillings and twopence	615 [*14**][*2**]
Topsfield	10 0 0	20 5 0	169 7 6	One hundred and ninety-nine pounds twelve shillings and sixpence,	199 [*12**][*6**]
Boxford	0 0 0	21 5 0	203 6 8	Two hundred and twenty-four pounds eleven shillings and eightpence	224 [*11**][*8**]
Almsbury	0 0 0	16 10 0	306 5 0	Three hundred and twenty-two pounds fifteen shillings	322 [*15**][*0**]
Bradford	0 0 0	21 10 0	226 0 10	Two hundred and forty-seven pounds ten shillings and tenpence	247 10 10
Wenham	0 0 0	21 2 6	124 15 10	One hundred and forty-five pounds eighteen shillings and fourpence,	145 18 4
Middleton	0 0 0	0 0 0	145 0 0	One hundred and forty-five pounds	145 0 0
Manchester	0 0 0	0 0 0	106 0 10	One hundred and six pounds and tenpence	106 0 10
Methuen	0 0 0	0 0 0	163 10 10	One hundred and sixty-three pounds ten shillings and tenpence	163 10 10
	£10 0 0	£339 15*s.* 0*d.*	£9,009 7*s.* 6*d.*	Nine thousand three hundred and fifty-nine pounds two shillings and sixpence	£9,359 2*s.* 6*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge	£0 0*s.* 0*d.*	£15 5*s.* 0*d.*	£452 1*s.* 8*d.*	Four hundred and sixty-seven pounds six shillings and eightpence	£467 6*s.* 8*d.*
Charlestown	0 0 0	14 15 0	442 14 2	Four hundred and fifty-seven pounds nine shillings and twopence	457 9 2
Watertown	0 0 0	20 0 0	181 17 6	Two hundred and one pounds seventeen shillings and sixpence	201 17 6
Woburn	0 0 0	17 15 0	326 5 0	Three hundred and forty-four pounds	344 0 0
Concord	0 0 0	20 15 0	299 15 10	Three hundred and twenty pounds ten shillings and tenpence	320 10 10
Newton	0 0 0	20 0 0	309 3 4	Three hundred and twenty-nine pounds three shillings and fourpence,	329 3 4
Sudbury	0 0 0	0 0 0	370 12 6	Three hundred and seventy pounds twelve shillings and sixpence	370 12 6
Marlborough	0 0 0	19 5 0	367 18 4	Three hundred and eighty-seven pounds three shillings and fourpence,	387 3 4
Billerica	0 0 0	16 15 0	245 0 0	Two hundred and sixty-one pounds fifteen shillings	261 15 0
Framingham	0 0 0	19 0 0	281 17 6	Three hundred pounds seventeen shillings and sixpence	300 17 6
Lexington	0 0 0	19 0 0	204 7 6	Two hundred and twenty-three pounds seven shillings and sixpence,	223 7 6

Chelmsford	0	0	0	20	0	0	211	5	0	Two hundred and thirty-one pounds five shillings	231	5	0
Sherburne	0	0	0	0	0	0	132	10	0	One hundred and thirty-two pounds ten shillings	132	10	0
Reading	0	0	0	20	0	0	327	18	4	Three hundred and forty-seven pounds eighteen shillings and fourpence	347	18	[4*]
Malden	0	0	0	16	15	0	178	15	0	One hundred and ninety-five pounds ten shillings	195	10	0
Weston	0	0	0	20	15	0	182	10	0	Two hundred and three pounds five shillings	203	5	0
Medford	0	0	0	11	10	0	211	17	6	Two hundred and twenty-three pounds seven shillings and sixpence,	223	7	[6*]
Littleton	10	0	0	0	0	0	160	8	4	One hundred and seventy pounds eight shillings and fo[*ur**]pe[*nce**],	[170*]	[8*]	[4*]
Hopkinston	0	0	0	0	0	0	164	3	4	One hundred and sixty-four pounds th[*ree shillings and fourpence**]	[164*]	[3*]	[4*]
Westford	11	0	0	10	0	0	192	5	10	Two hundred and thirteen pounds f[*ive shillings and tenpence**]	[213*]	[5*]	[10*]
Shirley	0	0	0	[2*]	[10*]	0	57	10	0	Sixty pounds	[60*]	[0*]	[0*]
Waltham	0	0	0	[16*]	[10*]	0	169	7	6	One hundred and eighty-five poun[*ds seventeen shillings and sixpence**],	[185*]	[17*]	[6*]
Townshend	0	0	0	0	0	0	80	8	4	Eighty pounds eight shillings and fourpence	80	8	4
Stow	0	0	0	16	15	0	145	0	0	One hundred and sixty-one pounds fifteen shillings	161	15	0
Stoneham	0	0	0	0	0	0	74	3	4	Seventy-four pounds three shillings and fourpence	74	3	4
Groton	0	0	0	11	2	0	247	1	8	Two hundred and fifty-eight pounds three shillings and eightpence,	258	3	8
Wilmington	8	0	0	0	0	0	128	6	8	One hundred and thirty-six pounds six shillings and eightpence	136	6	8
Natick	0	0	0	0	0	0	72	11	2	Seventy-two pounds eleven shillings and twopence	72	11	2
Dracut	0	0	0	0	0	0	109	7	6	One hundred and nine pounds seven shillings and sixpence	109	7	6
Bedford	0	0	0	0	0	0	96	5	0	Ninety-six pounds five shillings	96	5	0
Holliston	0	0	0	0	0	0	124	3	4	One hundred and twenty-four pounds three shillings and fourpence,	124	3	4
Tewksbury	0	0	0	0	0	0	137	1	8	One hundred and thirty-seven pounds one shilling and eightpence	137	1	8
Acton	0	0	0	0	0	0	115	8	4	One hundred and fifteen pounds eight shillings and fourpence	115	8	4
Dunstable	0	0	0	0	0	0	116	5	0	One hundred and sixteen pounds five shillings	116	5	0
Pepper[*r*]el[l]	0	0	0	4	3	0	91	13	4	Ninety-five pounds sixteen shillings and fourpence	95	16	4
Lincoln	0	0	0	0	0	0	125	0	0	One hundred and twenty-five pounds	125	0	0
	£29	0*s.*	0*d.*	£332	10*s.*	0*d.*	£7,132	19*s.*	6*d.*	Seven thousand four hundred and ninety-four pounds nine shillings and sixpence	£7,494	9*s.*	6*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield	£0	0*s.*	0*d.*	£12	15*s.*	0*d.*	£641	19*s.*	4*d.*	Six hundred and fifty-four pounds fourteen shillings and fourpence,	£654	14*s.*	4*d.*
North[-h]ampton	0	0	0	6	3	0	294	17	8	Three hundred and one pounds and eightpence	301	0	8
South[-h]ampton	0	0	0	1	12	0	66	13	4	Sixty-eight pounds five shillings and fourpence	68	5	4
Hadley	0	0	0	5	14	0	129	7	6	One hundred and thirty-five pounds one shilling and sixpence	135	1	6
South Hadley	0	0	0	6	2	0	136	0	10	One hundred and forty-two pounds two shillings and tenpence	142	2	10

* Parchment mutilated.

IN THE COUNTY OF HAMPSHIRE—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Amherst	£0 0*s.* 0*d.*	£3 4*s.* 0*d.*	£92 7*s.* 11*d.*	Ninety-five pounds eleven shillings and elevenpence	£95 11*s.* 11*d.*
Hatfield	0 0 0	7 15 0	196 6 10½	Two hundred and four pounds one shilling and tenpence halfpenny	204 1 10½
Westfield	0 0 0	17 5 0	231 2 8	Two hundred and forty-eight pounds seven shillings and eightpence,	248 7 8
Deerfield	0 0 0	8 12 0	141 4 10	One hundred and forty-nine pounds sixteen shillings and tenpence	149 16 10
Greenfield	0 0 0	3 18 0	55 16 0¼	Fifty-nine pounds fourteen shillings and one farthing	59 14 0¼
Sunderland	0 0 0	0 0 0	78 0 5	Seventy-eight pounds and fivepence	78 0 5
Montague	0 0 0	0 0 0	58 19 2	Fifty-eight pounds nineteen shillings and twopence	58 19 2
Northfield	0 0 0	0 0 0	79 7 6	Seventy-nine pounds seven shillings and sixpence	79 7 6
Brimfield	0 0 0	0 0 0	213 12 8½	Two hundred and thirteen pounds twelve shillings and eightpence halfpenny	213 12 8½
Monson	0 0 0	0 0 0	52 5 1¾	Fifty-two pounds five shillings and one penny three farthings	52 5 1¾
Pelham	0 0 0	0 0 0	93 15 0	Ninety-three pounds fifteen shillings	93 15 0
Greenwich	0 0 0	0 0 0	72 18 4	Seventy-two pounds eighteen shillings and fourpence	72 18 4
Blanford	0 0 0	0 0 0	61 9 2	Sixty-one pounds nine shillings and twopence	61 9 2
Palmer	0 0 0	0 0 0	93 19 2	Ninety-three pounds nineteen shillings and twopence	93 19 2
Gr[ee][*a*]nville	0 0 0	0 0 0	110 16 8	One hundred and ten pounds sixteen shillings and eightpence	110 16 8
New Salem	0 0 0	0 0 0	65 12 6	Sixty-five pounds twelve shillings and sixpence	65 12 6
Belchertown	0 0 0	0 0 0	56 0 10	Fifty-six pounds and tenpence	56 0 10
Colrain	0 0 0	0 0 0	39 7 6	Thirty-nine pounds seven shillings and sixpence	39 7 6
Ware	0 0 0	0 0 0	24 11 8	Twenty-four pounds eleven shillings and eightpence	24 11 8
Enfield	0 0 0	0 0 0	214 8 5½	Two hundred and fourteen pounds eight shillings and fivepence halfpenny	214 8 5½
Somers	0 0 0	0 0 0	168 19 5½	One hundred and sixty-eight pounds nineteen shillings and fivepence halfpenny	168 19 5½
Roxbury-Canada	0 0 0	0 0 0	0 0 0		0 0 0
Bernardtown	0 0 0	0 0 0	19 11 8	Nineteen pounds eleven shillings and eightpence	19 11 8
Huntstown	0 0 0	0 0 0	12 3 0	Twelve pounds three shillings	12 3 0
Shutesbury	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence	36 17 6
Suffield	0 0 0	0 0 0	351 0 2¾	Three hundred and fifty-one pounds and twopence three farthings	351 0 2¾
	£0 0*s.* 0*d.*	£73 0*s.* 0*d.*	£3,889 13*s.* [*1*]0¾*d*	Three thousand nine hundred and sixty-two pounds thirteen shillings and [tenpence] three farthings	£3,962 13*s.* 0¾*d.*

IN THE COUNTY OF BERKSHIRE.

Sheffield	£0	0s.	0d.	£9	0s.	0d.	£165	6s.	3d.	One hundred and seventy-four pounds six shillings and threepence	£174	6s.	3d.
Great Barrington	0	0	0	4	15	6	95	0	3	Ninety-nine pounds fifteen shillings and ninepence	99	15	9
Egremont	0	0	0	3	12	0	60	12	6	Sixty-four pounds four shillings and sixpence	64	4	6
Stockbridge	0	0	0	16	7	6	36	2	11	Fifty-two pounds ten shillings and fivepence	52	10	5
Pittsfield	0	0	0	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
New Marlboro'[ugh],	0	0	0	0	0	0	56	7	1	Fifty-six pounds seven shillings and [a] [*one*] penny	56	7	1
Tyringham	0	0	0	18	10	0	39	7	6	Fifty-seven pounds seventeen shillings [and] sixpence	57	17	6
Sandisfield	0	0	0	0	0	0	39	7	6	Thirty-nine pounds seven shillings and sixpence	39	7	6
Number Four	0	0	0	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
	£0	0s.	0d.	£52	5s.	0d.	£565	19s.	0d.	Six hundred and eighteen pounds four shillings	£618	4s.	0d.

IN THE COUNTY OF WORCESTER.

Worcester	£0	0s.	0d.	£13	12s.	6d.	£304	6s.	5½d.	Three hundred and seventeen pounds eighteen shillings and elevenpence halfpenny	£317	18s.	11½d.
Lancaster	0	0	0	20	0	0	363	9	9½	Three hundred and eighty-three pounds nine shillings and ninepence halfpenny	383	9	9½
Mendon	0	0	0	15	0	0	292	1	8	Three hundred and seven pounds one shilling and eightpence	307	1	8
Woodstock	0	0	0	0	0	0	411	8	10	Four hundred and eleven pounds eight shillings and tenpence	411	8	10
Brookfield	0	0	0	19	10	0	265	10	5	Two hundred and eighty-five pounds and fivepence	285	0	5
Oxford	0	0	0	0	0	0	160	15	7½	One hundred and sixty pounds fifteen shillings and sevenpence halfpenny	160	15	7½
Charlton	0	0	0	0	0	0	52	10	0	Fifty-two pounds ten shillings	52	10	0
Sutton	0	0	0	22	10	0	306	14	4½	Three hundred and twenty-nine pounds four shillings and fourpence halfpenny	329	4	4½
Rutland	0	0	0	7	12	7	218	10	3	Two hundred and twenty-six pounds two shillings and tenpence	226	2	10
Oakham	0	0	0	1	5	5	29	10	2	Thirty pounds fifteen shillings and sevenpence	30	15	7
New Braintree	0	0	0	0	0	0	82	0	7½	Eighty-two pounds and sevenpence halfpenny	82	0	7½
District of Rutland,	0	0	0	1	12	0	98	13	11½	One hundred pounds five shillings and elevenpence halfpenny	100	5	11½
Leicester	9	10	0	15	9	6	182	18	4	Two hundred and seven pounds seventeen shillings and tenpence	207	17	10
District of Spencer	5	10	0	7	13	0	89	2	3½*	One hundred and two pounds five shillings and threepence halfpenny	102	5	3½
Southboro'[*ugh*]	0	0	0	17	15	0	141	0	10	One hundred and fifty-eight pounds fifteen shillings and tenpence	158	15	10
Westboro'[*ugh*]	0	0	0	21	10	0	223	8	8¾	Two hundred and forty-four pounds eighteen shillings and eightpence three farthings	244	18	8¾

* ½ in the parchment.

IN THE COUNTY OF WORCESTER—*Continued.*

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Shrewsbury	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£256 4*s.* 3¾*d.*	Two hundred and fifty-six pounds four shillings and threepence three farthings	£256 4*s.* 3¾*d.*
Lunenburg	0 0 0	18 10 0	196 0 10	Two hundred and fourteen pounds ten shillings and tenpence	214 10 10
Uxbridge	0 0 0	21 7 6	185 14 7	Two hundred and seven pounds two shillings and one penny	207 2 1
Harvard	10 0 0	0 0 0	167 10 0	One hundred and seventy-seven pounds ten shillings	177 10 0
Dudley	0 0 0	0 0 0	104 15 10	One hundred and four pounds fifteen shillings and tenpence	104 15 10
Bolton	0 0 0	0 0 0	159 9 7	One hundred and fifty-nine pounds nine shillings and sevenpence	159 9 7
Upton	0 0 0	0 0 0	70 6 3	Seventy pounds six shillings and threepence	70 6 3
Sturbridge	0 0 0	0 0 0	117 3 9	One hundred and seventeen pounds three shillings and ninepence	117 3 9
Leominster	0 0 0	0 0 0	105 0 0	One hundred and five pounds	105 0 0
Hardwick	0 0 0	24 10 0	132 10 0	One hundred and fifty-seven pou[*nds* *]	[*157**][*0**][*0**]
Holden	0 0 0	0 0 0	75 0 0	Seventy-five p[*ounds* *]	[*75**][*0**][*0**]
Western	0 0 0	0 0 0	100 0 0	One hundred pounds	100 0 0
Douglass	0 0 0	0 0 0	49 4 4½	Forty-nine pounds four shillings and fourpence halfpenny	49 4 4½
Grafton	8 0 0	0 0 0	134 11 8	One hundred and forty-two pounds eleven shillings and eightpence,	142 11 8
Petersham	0 0 0	0 0 0	109 9 7	One hundred and nine pounds nine shillings and sevenpence	109 9 7
Westminster	0 0 0	0 0 0	75 19 9½	Seventy-five pounds nineteen shillings and ninepence halfpenny	75 19 9½
Athol	0 0 0	0 0 0	39 7 6	Thirty-nine pounds seven shillings and sixpence	39 7 6
Templeton	0 0 0	0 0 0	24 11 8	Twenty-four pounds eleven shillings and eightpence	24 11 8
Princetown	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence	36 17 6
Dorchester-Canada,	0 0 0	0 0 0	29 11 8	Twenty-nine pounds eleven shillings and eightpence	29 11 8
Ipswich-Canada	0 0 0	0 0 0	24 11 8	Twenty-four pounds eleven shillings and eightpence	24 11 8
	£33 0*s.* 0*d.*	£227 17*s.* 6*d.*	£5,416 2*s.* 11*d.*	Five thousand six hundred and seventy-seven pounds and fivepence,	£5,677 0*s.* 5*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth	£0 0*s.* 0*d.*	£18 10*s.* 0*d.*	£322 14*s.* 2*d.*	Three hundred and forty-one pounds four shillings and twopence	£341 4*s.* 2*d.*
Scituate	0 0 0	22 0 0	527 14 2	Five hundred and forty-nine pounds fourteen shillings and twopence,	549 14 2
Duxbury	0 0 0	22 0 0	178 10 10	Two hundred pounds ten shillings and tenpence	200 10 10
Marshfield	0 0 0	19 17 6	240 16 8	Two hundred and sixty pounds fourteen shillings and twopence	260 14 2

Bridgwater	0	0	0	20	15	0	664	11	8	Six hundred and eighty-five pounds six shillings and eightpence	685	6	8
Middleborô[*ugh*]	0	0	0	18	15	0	486	0	10	Five hundred and four pounds fifteen shillings and tenpence	504	15	10
Rochester	0	0	0	5	10	0	301	11	3	Three hundred and seven pounds one shilling and threepence	307	1	3
Plympton	0	0	0	21	10	0	194	3	4	Two hundred and fifteen pounds thirteen shillings and fourpence	215	13	4
Pembroke	0	0	0	17	15	0	233	19	2	Two hundred and fifty-one pounds fourteen shillings and twopence,	251	14	2
Kingston	0	0	0	22	5	0	136	5	0	One hundred and fifty-eight pounds ten shillings	158	10	0
Hanover	0	0	0	19	10	0	137	5	10	One hundred and fifty-six pounds fifteen shillings and tenpence	156	15	10
Ab[*b*]ington	0	0	0	20	12	6	178	2	6	One hundred and ninety-eight pounds fifteen shillings	198	15	0
Halifax	0	0	0	0	0	0	96	11	3	Ninety-six pounds eleven shillings and threepence	96	11	3
Warham	0	0	0	0	0	0	63	2	6	Sixty-three pounds two shillings and sixpence	63	2	6
	£0	0*s.*	0*d.*	£229	0*s.*	0*d.*	£3,761	9*s.*	2*d.*	Three thousand nine hundred and ninety pounds nine shillings and twopence	£3,990	9*s.*	2*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable	£0	0*s.*	0*d.*	£ 10	15*s.*	0*d.*	£319	3*s.*	4*d.*	Three hundred and twenty-nine pounds eight[*een*] shillings and fourpence	£329	18*s.*	4*d.*
Yarmouth	0	0	0	0	0	0	248	10	10	Two hundred and forty-eight pounds ten shillings and tenpence	248	10	10
Sandwich	0	0	0	9	10	0	279	11	8	Two hundred and eighty-nine pounds one shilling and eightpence	289	1	8
Eastham	0	0	0	18	0	0	265	0	0	Two hundred and eighty-three pounds	283	0	0
Harwich	0	0	0	14	5	0	199	7	6	Two hundred and thirteen pounds twelve shillings and sixpence	213	12	6
Chatham	0	0	0	0	0	0	141	8	1½	One hundred and forty-one pounds eight shillings and [a] [*one*] penny halfpenny	141	8	1½
Truro	0	0	0	0	0	0	115	17	8½	One hundred and fifteen pounds seventeen shillings and eightpence halfpenny	115	17	8½
Falmouth	0	0	0	5	0	0	172	17	3½	One hundred and seventy-seven pounds seventeen shillings and threepence halfpenny	177	17	3½
	£0	0	0	£57	10*s.*	0*d.*	£1,741	16*s.*	5½*d.*	One thousand seven hundred [and] ninety-nine pounds six shillings [and] fivepence halfpenny	£1,799	6*s.*	5½*d.*

* Parchment mutilated.

IN THE COUNTY OF BRISTOL.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Taunton	£0 0s. 0d.	£18 0s. 0d.	£454 11s. 8d.	Four hundred [and] seventy-two pounds eleven shillings and eightpence	£472 11s. 8d.
Rehoboth	0 0 0	15 5 0	532 18 4	Five hundred [and] forty-eight pounds three shillings and fourpence,	548 3 4
Swanzey, with Shawamet	0 0 0	20 7 0	335 18 9	Three hundred and fifty-six pounds five shillings and ninepence	356 5 9
Dartmouth	0 0 0	19 10 0	858 3 6½	Eight hundred and seventy-seven pounds thirteen shillings and sixpence halfpenny	877 13 6½
Norton	0 0 0	14 0 0	305 17 8½	Three hundred and nineteen pounds seventeen shillings and eightpence halfpenny	319 17 8½
Attleborough	0 0 0	13 17 6	283 19 2	Two hundred and ninety-seven pounds sixteen shillings and eightpence	297 16 8
Dighton	0 0 0	6 15 0	196 17 6	Two hundred and three pounds twelve shillings and sixpence	203 12 6
Freetown	0 0 0	13 10 0	201 3 11½	Two hundred and fourteen pounds thirteen shillings and elevenpence halfpenny	214 13 11½
Raynham	0 0 0	0 0 0	101 11 3	One hundred and one pounds eleven shillings and threepence	101 11 3
Easton	0 0 0	0 0 0	129 10 3	One hundred and twenty-nine pounds ten shillings and threepence	129 10 3
Berkley	0 0 0	0 0 0	111 17 6	One hundred and eleven pounds seventeen shillings and sixpence	111 17 6
	£0 0s. 0d.	£121 4s. 6d.	£3,512 9s. 7½d.	Three thousand six hundred [and] thirty-three pounds fourteen shillings and a penny halfpenny	£3,633 14s. 1½d.

IN THE COUNTY OF YORK.

York	£0 0s. 0d.	£20 10s. 0d.	£458 10s. 10d.	Four hundred and seventy-nine pounds ten shillings * and tenpence,	£479 0s. 10d.
Kittery	0 0 0	13 15 0	476 16 5½	Four hundred and ninety pounds eleven shillings and fivepence halfpenny	490 11 5½
Wells	0 0 0	20 0 0	242 10 0	Two hundred and sixty-two pounds ten shillings	262 10 0
Berwick	0 0 0	12 10 0	376 17 6	Three hundred and eighty-nine pounds seven shillings and sixpence,	389 7 6
Arundell	0 0 0	0 0 0	124 12 8½	One hundred and twenty-four pounds twelve shillings and eightpence halfpenny	124 12 8½
Biddeford	0 0 0	3 1 0	144 14 10	One hundred and forty-seven pounds fifteen shillings and tenpence,	147 15 10

District of Pepper-[*r*]ellborough .	0	0	0	2	4	0	101	8	5	One hundred and three pounds twelve shillings and fivepence . .	103	12	5
Nar[*r*]aganse[n]t No. One . .	0	0	0	0	0	0	29	11	8	Twenty-nine pounds eleven shillings and eightpence . . .	29	11	8
	£0	0*s.*	0*d.*	£72	0*s.*	0*d.*	£1,955	2*s.*	5*d.*	Two thousand and twenty-seven pounds two shillings and fivepence,	£2,027	2*s.*	5*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth . .	£0	0*s.*	0*d.*	£29	0*s.*	0*d.*	£706	18*s.*	0½*d.*	Seven hundred and thirty-five pounds eighteen shillings and [a] halfpenny	£735	18*s.*	0½*d.*
North Yarmouth .	0	0	0	0	0	0	123	3	6½	One hundred and twenty-three pounds three shillings and sixpence halfpenny	123	3	6½
Scarborough . .	0	0	0	0	0	0	280	8	10½	Two hundred and eighty pounds [two] [*eight*] shillings and tenpence halfpenny	280	8	10½
Brunswick . .	0	0	0	0	0	0	109	13	9½	One hundred and nine pounds thirteen shillings and ninepence halfpenny	109	13	9½
Harpswell . .	0	0	0	0	0	0	82	11	0½	Eighty-two pounds eleven shillings and [a] halfpenny . . .	82	11	0½
Gorehamtown .	0	0	0	0	0	0	65	11	9½	Sixty-five pounds eleven shillings and ninepence halfpenny . .	65	11	9½
Windham . .	0	0	0	0	0	0	40	19	1	Forty pounds nineteen shillings and [a] [*one*] penny	40	19	1
P[ei][*ie*]rsontown .	0	0	0	0	0	0	16	7	5	Sixteen pounds seven[teen] shillings and fivepence	16	7	5
	£0	0*s.*	0*d.*	£29	0*s.*	0*d.*	£1,425	13*s.*	1*d.*	One thousand four hundred and fifty-four pounds [fourteen] [*thirteen*] shillings and [a] [*one*] penny	£1,454	13*s.*	1*d.*

IN THE COUNTY OF LINCOLN.

Pownal[*l*]borough .	£0	0*s.*	0*d.*	£0	0*s.*	0*d.*	£94	10*s.*	8*d.*	Ninety-four pounds ten shillings and eightpence	£94	10*s.*	8*d.*
Georgetown . .	0	0	0	0	0	0	167	10	0	One hundred and sixty-seven pounds ten shillings	167	10	0
Newcastle . .	0	0	0	0	0	0	68	10	10	Sixty-eight pounds ten shillings and tenpence	68	10	10
Topsham . . .	0	0	0	0	0	0	42	10	0	Forty-two pounds ten shillings	42	10	0
Woolwich . .	0	0	0	0	0	0	61	10	2	Sixty-one pounds ten shillings and twopence	61	10	2
	£0	0*s.*	0*d.*	£0	0*s.*	0*d.*	£434	11*s.*	8*d.*	Four hundred and thirty-four pounds eleven shillings and eightpence,	£434	11*s.*	8*d.*

* *Sic*, both in the parchment and printed act.

IN THE COUNTY OF DUKES COUNTY.

	FINE FOR NOT SENDING A REPRESENTATIVE.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Edgartown	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£135 0*s.* 0*d.*	One hundred and thirty-five pounds	£135 0*s.* 0*d.*
Chilmark	0 0 0	0 0 0	144 8 6½	One hundred and forty-four pounds eight shillings and sixpence halfpenny	144 8 6½
Tisbury	0 0 0	0 0 0	98 2 6	Ninety-eight pounds two shillings and sixpence	98 2 6
	£0 0 0	£0 0*s.* 0*d.*	£377 11*s.* 0½*d.*	Three hundred and [thirty] [*seventy*]-seven pounds eleven shillings and a halfpenny	£377 11*s.* 0½*d.*

IN THE COUNTY OF NANTUCKET.

Sherburne	£0 0*s.* 0*d.*	£6 15*s.* 0*d.*	£590 8*s.* 4*d.*	Five hundred and ninety-seven pounds three shillings and fourpence,	£597 3*s.* 4*d.*

Suffolk	£0 0*s.* 0*d.*	£287 5*s.* 0*d.*	£10,358 9*s.* 11½*d.*	Ten thous[and] six hund[red] and forty-five pounds fourteen shill[ings] and elevenpence halfpenny	£10,645 14*s.* 11½*d.*
Essex	10 0 0	339 15 0	9,009 7 6	Nine thousand three hundred and fifty-nine pounds two shillings and sixpence	9,359 2 6
Middlesex	29 0 0	332 10 0	7,132 19 6	Seven thousand four hundred and ninety-four pounds nine shillings and sixpence	7,494 9 6
Hampshire	0 0 0	73 0 0	3,889 13 0¾	Three thousand nine hundred and sixty-two pounds thirteen shillings and three farthings	3,962 13 0¾
Berkshire	0 0 0	52 5 0	565 19 0	Six hundred and eighteen pounds four shillings	618 4 0
Worcester	33 0 0	227 17 6	5,416 2 11	Five thousand six hundred and seventy-seven pounds and fivepence	5,677 0 5
Plymouth	0 0 0	229 0 0	3,761 9 2	Three thousand nine hundred and ninety pounds nine shillings and fourpence	3,990 9 4
Barnstable	0 0 0	57 10 0	1,741 16 5½	One thousand seven hundred and ninety-nine pounds six shillings and fivepence halfpenny	1,799 6 5½
Bristol	0 0 0	121 4 6	3,512 9 7½	Three thous[and] six hundred and thirty-three pounds fourteen shillings and a penny halfpenny	3,633 14 1½

York . . .	0	0	0	72	0	0	1,955	2	5	Two thousand and twenty-seven pounds two shillings and fivepence,	2,027 2 5
Cumberland . .	0	0	0	29	0	0	1,425	13	1	[Fourteen] [*One thousand four*] hundred and fifty-four pounds [three] [*thirteen*] shillings and [a] [*one*] penny	1,454 13 1
Lincoln . . .	0	0	0	0	0	0	434	11	8	Four hundred and thirty-four pounds eleven shillings and eightpence	434 11 8
Dukes County .	0	0	0	0	0	0	377	11	0½	Three hundred and seventy-seven pounds eleven shillings and [a] [*one*] halfpenny	377 11 0½
Nantucket . .	0	0	0	6	15	0	590	8	4	Five hundred and ninety-seven pounds three shillings and fourpence,	597 3 4
	£72	0*s.*	0*d.*	£1,828	2*s.*	0*d.*	£50,171	19*s.*	6*d.*	Fifty-two thousand and seventy-two pounds one shilling and sixpence	£52,072 1*s.* 6*d.*

And be it further enacted,

Rules for assessment.

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at six shillings and eightpence per poll, and proportionably in assessing the fines mentioned in this act, and the additional sum received out of the treasury, for the payment of representatives (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers, and gramm[e][*a*]r schoolmasters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, thro'[*ugh*] age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public[k] charges, they may exempt their polls, or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county in proportion to their province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except[ed] as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profit, in their improvement, according to their understanding or cunning, at twelvepence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making their assessment, to estimate houses and lands at six years' yearly rent, whereat the same may be reasonably set or let for in the place where they lye: *saving* all agreements between landlord and tenant, and where no agreement is, the landlord to re-imburse one-half of the tax set upon such houses and lands; and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; and every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old at three shillings each; the several creatures above mentioned to be taxed to their respective owners or occupants, by the assessors of the towns in which the owners or occupiers dwell: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and if as guardians, or for any estate, in

his or her improvement, in trust, to be distinctly expressed; and the list or lists, so perfected and signed by them, or the major part of them, to commit to the collector, constable or constables of any such town, district, parish or place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, some time before the last day of November next.

[Sect. 4.] And the treasurer, for the time being, upon receipt of such certificate, is hereby [e][*i*]mpowered and ordered to issue forth his warrants to the collector, or constable or constables, of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirty-first day of March, which will be in the year of our Lord one thousand seven hundred and sixty-four.

And be it further enacted,

Inhabitants to bring in a true list of their polls, estate, &c.

[Sect. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time, before their making of the assessment, shall give seasonable warning to the inhabitants, in a town-meeting, or by posting up notifications in some place or places in such town, district, parish or other place, or notify the inhabitants some other way, to give or bring in to the assessors true and perfect lists of their polls, rateable estate, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are [e][*i*]mpowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agre[*e*]able to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables in manner as is directed for gathering the town assessments, to be paid in to the town, district or parish treasurer, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[Sect. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho'[ugh], in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it therefore enacted,

Transient traders, to be rated.

[SECT. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade to deal therewith, the assessors of such towns are hereby [e][*i*]mpowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected, as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[SECT. 8.] That when any merchant, trader or factor, shall set up a store, and traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are [e][*i*]mpowered to rate and assess all such merchants, traders and factors, their goods and merchandizes, for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the

Selectmen to transmit a list of such persons, before they are rated.

selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated within the intent of this act, to the assessors of such town or district.

[SECT. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same.

And whereas it has been the practice of some of the inhabitants of the town of Boston to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of said town,—

Be it therefore enacted,

Inhabitants of Boston who remove out of town and return in a year, to pay their tax in said town.

[SECT. 10.] That wh[en][*re*] any inhabitant of the town of Boston shall remove to any other town in this province, and shall in one year after remove back to said Boston, and shall have been taxed in said town, he shall be subject to pay said taxes in like manner as he would have been had he not have removed from said Boston (*saving* so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding.

And be it further enacted,

Treasurer empowered to issue a further warrant for an assessment, in case, &c.

[SECT. 11.] That if the treasurer shall not receive so much of the several parliamentary grants, by this act appropriated for the redemption of the treasurer's notes that shall become due in June next, and the general court shall not otherwise provide for the redemption of said notes on or before the twentieth day of January next, then, and in that case, he shall issue forth his warrants, directed to the selectmen or assessors in each of the towns and districts within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective part and proportion of whatever sums shall be wanting, of the said parliamentary grants, for the purpose aforesaid, to be paid into the public[k] treasury by the thirty-first day of March, one thousand seven hundred and sixty-four; and the assessors, as also all persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last prece[e]ding tax act. [*Passed June* 15.*

* Signed June 16, according to the record.

CHAPTER 11.

AN ACT IN ADDITION TO THE ACTS ALREADY MADE FOR THE MORE SPEEDY EXTINGUISHMENT OF FIRE, AND PRESERVING GOODS ENDANGERED BY IT.

Whereas, in and by an act made and passed in the eighteenth year of the reign of his late majesty King George the Second, intituled "An Act for the more speedy extinguishment of fire, and preserving goods endangered by it," it is enacted that the several towns within this province may, if they see meet, at their anniversary meeting in March, annually, appoint a suitable number of persons, not exceeding ten, who shall be denominated fire-wards, whose particular business shall be to take care and govern at fires—which from time to time may break out—as in and by said act they are directed and impowered to do; and in and by an act passed in the twenty-fifth year of [the reign of] his late majesty, the town of Boston are impowered to choose, if they see fit, two persons for fire-wards, over and above the number they were impowered to choose by the act passed in the eighteenth year of the reign aforesaid; *and whereas* it is apprehended it would greatly serve the said town of Boston, if their numbers were still increased.— Preamble. 1744-45, chap. 30, §§ 1, 2. 1752-53, chap. 2.

Be it enacted by the Governor, Council and House of Representatives,

That it shall and may be lawful for the town of Boston, who, at present, have twelve fire-wards, at any town-meeting warned for that purpose, to elect and appoint four more meet persons as fire-wards, who shall serve in that office till their anniversary meeting in March next; and from thenceforward, as they shall see cause, to choose sixteen persons for that purpose annually, who shall do the duty, and be invested with the like powers and priviledges as fire-wards in and by the said acts are invested. [*Passed June* 15,* 1763. Town of Boston may elect sixteen fire-wards.

CHAPTER 12.

AN ACT FOR RECORDING SUCH PAPERS, PROPER TO BE RECORDED, THAT HAVE BEEN EXHIBITED TO, AND RECEIVED BY, THE SUPERIOR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, OR BY THE SEVERAL JUDGES OF PROBATE OF WILLS, AND GRANTING LETTERS OF ADMINISTRATION[S], OR BY THE RESPECTIVE COURTS OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURTS OF COMMON PLEAS; AND FOR RECORDING ALL JUDGMENTS OR DECREES OF SAID COURT OR COURTS, WHERE THE CLERK OR CLERKS, REGISTER OR REGISTERS, OF SAID COURT OR COURTS, ARE DECEASED, LEAVING THE SAME NOT RECORDED.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the justices of the superior court of judicature, court of assize and general goal delivery; the judges of the probate of wills, and granting letters of administration[s]; the justices of the court of general sessions of the peace, and the inferior court of common pleas; are hereby respectively impowered and enjoined, where any clerk or register of either of the beforementioned courts are deceased, leaving any papers, judgments or decrees unrecorded, in either of said Papers to be recorded in the several courts of law and courts of probate

* Signed June 16, according to the record.

Estates of deficient clerks or registers, liable to defray the charge of recording.

courts, which are proper to be recorded, forthwith to cause the same to be put upon record, by such person or persons as they shall employ for that purpose; the charge arising therefrom to be paid out of the estate of such deficient clerk or register: *provided* there is a sufficiency left therefor; and the surviving clerk or register is hereby impowered and enjoined to prosecute for and recover the same: but where there is not a sufficiency of estate left to defrey the charge aforesaid, if such charge hath arisen by the neglect of the clerk or clerks of said superior court, the same shall be paid out of the province treasury; if through the neglect of the register or registers, clerk or clerks, of the court of probate, the court of general sessions of the peace, or inferior court of common pleas, then such charge shall be paid by the county where such deficient register or clerk lived and sustained said office: and the successors of the clerks or registers aforesaid are hereby respectively impowered and required to demand and receive, sue for and recover, the papers, judgments and decrees aforesaid, that so the same may be recorded according to the directions in this act made and provided.

And be it further enacted,

Former clerks or registers now living, if deficient, to defray the charge.

[SECT. 2.] That if any one that has been a clerk or register of either of the courts aforesaid, that may be still surviving and not now in said office, hath been and still continues deficient, in any instance beforementioned,—that, in every such case, the same power is hereby given to each of the courts aforesaid, as by this act is provided where the deficient clerks or registers may be dead; and every person that has been clerk or register, and hath been and still continues deficient as aforesaid, shall be liable and hereby is subjected to pay all such costs and charges as may arise from such his neglect; and the surviving clerk or register is hereby impowered and enjoined to prosecute for and recover the same. [*Passed June* 15.*

CHAPTER 13.

AN ACT TO [E][*I*]MPOWER THE PROVINCE TREASURER TO DRAW BILLS OF EXCHANGE UPON THE AGENT OF THE PROVINCE IN GREAT BRITAIN.

Preamble.

WHEREAS the parliament of Great Britain has made a grant of one hundred and thirty-three thousand three hundred and thirty-three pounds six shillings and eightpence sterling, to enable his majesty to recompence his northern colonies in America, for their military services in the year one thousand seven hundred and sixty-one, a proportion of which grant it is expected is already assigned this province,—

Be it enacted by the Governor, Council and House of Representatives,

Province treasurer empowered to draw bills of exchange.

[SECT. 1.] That the province treasurer be and he hereby is [e][*i*]mpowered and directed to draw bills of exchange on Jasper Mauduit, Esq[r]., agent for said province in Great Britain, or, in case of his being prevented by death, absence, or any other way, on Richard Jackson, jun[r]., Esq[r]., for a sum not exceeding thirty-five thousand pounds; and the said bills shall be drawn on the following conditions; viz[t]., that for every hundred pounds sterling for which such bills shall be drawn, one hundred and thirty-six pounds lawful money of this province shall be paid into the province treasury; that such bills shall be drawn payable to the persons purchasing the same, or to their order, at thirty days' sight; but if the province agent, or, in case of his being pre-

* Signed June 16, according to the record.

vented by death, absence, or any other way, Richard Jackson, jun[r]., Esq[r]., at the expiration of thirty days, shall not have received the province's proportion of the grant, then interest shall be allowed, from the expiration of said thirty days, at the rate of six per cent per annum, until paid; and such bills shall not be protested until twelve months shall be expired from their respective dates; and in case of their being returned protested, after the expiration of said twelve months, the province treasurer shall repay the sums received into the treasury for such bills, with lawful interest from their respective dates, but shall not be liable to pay any loss or damages on account of the protesting such bills: said bills to be of the form following; viz[t]., —

Form of the bill.

Exchange for £ sterling. (No.), Boston, , 1763.

Sir,

At thirty days' sight of this my first per exchange (second, third and fourth, of the same tenor and date, unpaid), pay unto , or order, pounds sterling, for value received, and charge it to the province of the Massachusetts Bay; but if it is not paid at said thirty days' sight, then pay interest on that sum, from the expiration of said thirty days until paid, at the rate of six pounds per cent per annum; and if this bill and interest is not paid in one year from the date hereof, I hereby oblige myself, and successors in the office of treasurer of the province of the Massachusetts Bay, to pay said bill, with interest from the date of it, at the above rate, until paid, when it shall be returned with a protest into the office aforesaid, but no other charges or damages: *provided*, that, if payment shall not be demanded within six months after the date of said protest, the interest shall, from that time, determine and cease.

H. G., Province Treasurer.

To Jasper Mauduit, Esq[r]., agent for the province of the Massachusetts Bay, in London, or, in case of his death or absence, to Richard Jackson, jun[r]., Esq[r].

And be it further enacted,

Treasurer to open a subscription.

[Sect. 2.] That the province treasurer shall and he hereby is directed to prepare, forthwith, a roll for receiving subscriptions for the bills aforesaid, of which he shall give public [k] notice, that all persons inclining may become subscribers. And the said subscription-roll shall l[y][*i*]e open to be subscribed, until the first day of July, one thousand seven hundred and sixty-three; at which time, if a greater sum than thirty-five thousand pounds, aforesaid, shall be subscribed, each subscriber shall be intitled to such a part of said proportion, in bills, as his particular subscription shall bear to the whole sum subscribed.

Provided, always,—

Proviso limiting the sum to be subscribed, and to the inhabitants of this province.

[Sect. 3.] That no person shall be permitted to subscribe for more than seven hundred pounds sterling, or less than fifty pounds sterling; nor shall any persons be admitted to subscribe, but such as are inhabitants of this province, until the said first day of July next, when, if the sum subscribed shall appear to be less than the thirty-five thousand pounds aforesaid, any persons whatsoever shall be allowed to become subscribers for the remainder, and in such sums as they may think proper, preference being given to the inhabitants of this province.

And be it further enacted,

Any person may subscribe after 1st July.

[Sect. 4.] That if the sums subscribed, as aforesaid, shall not be paid into the province treasury within twenty days after public[k] notice, given by the treasurer, in all the Boston newspapers, that he is ready to draw the bills as aforesaid, then he shall allow any person or persons whatsoever to become subscribers in room of those who shall neglect to pay their subscriptions until the expiration of the twenty days aforesaid; and such new subscriber[*s*] shall be intitled to such bills upon their paying for them at the rate aforesaid. [*Passed June* 15.* 1763.

* Signed June 16, according to the record.

CHAPTER 14.

AN ACT TO ENABLE THE PROPRIETORS AND INHABITANTS OF THE TOWN OF TYRINGHAM, IN THE COUNTY OF BERKSHIRE, TO RAISE AND COLLECT MONIES FOR DEFREYING PAST AND FUTURE CHARGES, UPON AND FROM THE PROPRIETORS OF LANDS LYING IN THE SAME TOWN.

Preamble.

WHEREAS several sums of money have been heretofore granted by the proprietors of lands in the town of Tyringham, and other and further sums are and may be needed, to defrey the necessary charges of the proprietors of said lands, which charges arose before the incorporation of said lands, and the inhabitants thereof, into a town; *and whereas* there are sundry proprietors of lands contained in said town, who have not fulfilled the orders of the general court in settling their lands in said town, to the great detriment thereof,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Proprietors of Tyringham enabled to raise and collect money.

[SECT. 1.] That the proprietors of the said town of Tyringham be and they hereby are as fully authorized and [e][*i*]mpowered to proceed to raise, levy and collect all such sum and sums of money already granted, or that hereafter may be granted, by the said proprietors, for the defreying the charges aforesaid, as before the incorporation of said lands, and inhabitants thereof, into a town, they lawfully might or could do.

And be it further enacted,

Non-resident proprietor's lands subjected for payment.

[SECT. 2.] That each non-resident proprietor of lands in said town, who hath not fulfilled the terms and conditions of his grant and right in said town, according to the order of the general court, be subjected to the payment of a tax of twopence per acre, per annum, of his lands in said town, until[*l*] he shall have fulfilled the terms and conditions of settlement aforesaid; and the assessors of the town of Tyringham are hereby [e][*i*]mpowered to assess the same accordingly, and to improve the same for defreying the necessary charges of said town: and each of the said non-resident proprietors' lands shall, in case of non-payment of such tax, be liable to be sold for the payment thereof, as by law is directed in case of the sale of lands for taxes, in new townships within this province. [*Passed June* 15,* 1763.

CHAPTER 15.

AN ACT TO INCORPORATE THE NORTH PRECINCT IN EASTHAM INTO A DISTRICT BY THE NAME OF WELLFLEET.

Preamble.

WHEREAS the inhabitants of the north precinct in Eastham, in the county of Barnstable, have represented to this court the great difficulties and inconvenienc[*i*]es they labour under in their present situation, and have earnestly requested that they may be incorporated into a distinct district,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of the district of Wellfleet.

[SECT. 1.] That the north precinct in Eastham, in the county of Barnstable, according to the known bounds of said precinct, be and hereby is incorporated into a district by the name of Wellfleet, except-

* June 16, according to the record.

ing the estate of Silvanus Snow, and the inhabitants dwelling, or who shall dwell, thereon, which are to remain to the town of Eastham, and to the south precinct in said town: said Snow paying his part or proportion of all past taxes in the said north precinct, that remain unpaid; and that the said district be and hereby is invested with all the priviledges, powers and immunities that towns in this province do or may enjoy, excepting the priviledge of chus[e]ing a representative to represent them in the great and general court, in chus[e]ing of whom, the inhabitants of said district shall join with the inhabitants of the said town of Eastham, as heretofore hath been usual, and also in paying said representative; the selectmen of the town of Eastham, from time to time, to warn the inhabitants of said district, of the time and place of the meeting for the choice of a representative, by issuing their warrant to one or more of the constables of the said district, requiring them to warn and give public[k] notice thereof to the said inhabitants.

To join with Eastham in the choice of representatives.

Provided, nevertheless,—

[Sect. 2.] The said district shall pay their proportional part of all such town, county and province charges as are already assessed upon the town of Eastham, and also reserving to the inhabitants of said town the priviledges by them heretofore enjoyed—of all ways to, and of erecting houses on, the beaches and islands, for the conveniency of the fishery, of all kinds; and of anchorage, and of landing all goods or wares at any of their common landing-places in any of the harbours of said Eastham—in like manner as they might have done if this act had never been made and passed.

Proviso respecting taxes and privileges.

And be it further enacted,

[Sect. 3.] That John Freeman, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the said district, requiring him to call the first meeting of the said inhabitants, in order to ch[u][*oo*]se such officers as by law towns are impowered to ch[u][*oo*]se in the month of March, annually. [*Passed June* 16.

First district-meeting, to be warned.

CHAPTER 16.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THIRTY-SIX THOUSAND SIX HUNDRED AND THIRTY-FIVE POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLIC DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Whereas it is necessary that provision be made by the general court for discharging the debts of the present and preceeding years,— Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the treasurer of the province be and [*he*] hereby is impowered and directed to borrow, from such person or persons as shall be willing to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding thirty-six thousand six hundred and thirty-five pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government;" and the sum so borrowed shall be applied in manner as in this act is hereafter directed: and for the said sum the treasurer shall give his receipt or obligation in the form following:—

Treasurer empowered to borrow £36,635

1749–50, chap 19.

Form of the note.

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or to his order, the sixteenth day of June, A.D. one thousand seven hundred and sixty-five, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with interest, annually, at six per cent.

Witness my hand. H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

—and no receipt shall be given for less than six pounds.

Regulation of the sum, and manner of issuing the notes. 1761–62, chap. 23.

[SECT. 2.] And the treasurer, in issuing said receipts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his present majesty's reign, intituled "An Act to supply the treasury with the sum of twenty-five thousand pounds."

And be it further enacted,

Appropriations.

[SECT. 3.] That the aforesaid sum of thirty-six thousand six hundred and thirty-five pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, the sum of eighteen thousand six hundred and forty pounds, part of the aforesaid sum of thirty-six thousand six hundred and thirty-five pounds, shall be applied for compleating the payment of the forces employed by this government in the year one thousand seven hundred and sixty-two; and the further sum of four thousand and five hundred pounds, part of the aforesaid sum of thirty-six thousand six hundred and thirty-five pounds, shall be applied for the payment of the expences of the several forts and garrisons within this province; and the further sum of two thousand and five hundred pounds, part of the aforesaid sum of thirty-six thousand six hundred and thirty-five pounds, shall be applied for purchasing provisions, and the commissary's disbursements for the service of the several forts and garrisons within this province; and the further sum of five thousand and five hundred pounds, part of the aforesaid sum of thirty-six thousand six hundred and thirty-five pounds, shall be applied for the payment of the grants made or to be made by this court; and the further sum of three thousand pounds, part of the aforesaid sum of thirty-six thousand six hundred and thirty-five pounds, shall be applied for the discharge of debts owing from this province to persons that have served or shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned them for that purpose, and for paper, writing and printing for this court, and repairs of the province-house, court-house, lighthouse, wood at Castle William, and repairs of fortifications within this province; and the further sum of two thousand pounds, part of the aforesaid sum of thirty-six thousand six hundred and thirty-five pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of two hundred and ninety-five pounds, part of the aforesaid sum of thirty-six thousand six hundred and thirty-five pounds, shall be applied for the payment of the charge of maintaining armed vessels of war belonging to this province; and the further sum of two hundred

pounds, being the remainder of the said sum of thirty-six thousand six hundred and thirty-five pounds, shall be applied to pay such contingent and unforeseen charges as may arise, and for no other purpose whatsoever.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act,—

Be it enacted,

Tax of £41,031 4s.

[Sect. 4.] That there be and hereby is granted unto his most excellent majesty a tax of forty-one thousand and thirty-one pounds four shillings, to be levied on polls, and estates both real and personal within this province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly at their sessions in May, one thousand seven hundred and sixty-four, and to be paid into the public treasury on or before the thirtieth day of March, A.D. one thousand seven hundred and sixty-five.

And be it further enacted,

To be paid as in the last preceding tax act, in case.

[Sect. 5.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-four, and some time before the twentieth day of June, in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[Sect. 6.] And the province treasurer is hereby fully impowered and directed, some time in the month of July, in the same year, one thousand seven hundred and sixty-four, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act.

And be it further enacted,

Money to be paid out of the proper appropriations.

[Sect. 7.] That the treasurer pay the sum of thirty-six thousand six hundred and thirty-five pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts, after payment thereof.

Provided, always,—

Proviso.

[Sect. 8.] That the remainder of the sum which shall be brought into the treasury by the taxes ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall be and remain as a stock in the treasury, to be applied as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed June* 16.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-FIRST DAY OF DECEMBER, A.D. 1763.

CHAPTER 17.

AN ACT TO PREVENT, IF POSSIBLE, THE FURTHER SPREADING OF THE SMALL-POX IN THE TOWN OF BOSTON.

Preamble.

WHEREAS it is represented to this court that there is still hope that the spreading the small-pox in the town of Boston may be prevented, if due care be taken, inasmuch as the families visited with that distemper generally live in the same neighbourhood,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Act of George II., further extended. 1742-43, chap. 17.

[SECT. 1.] That all persons in the said town shall be held and bound to observe all the directions of the law of this province, made in the sixteenth year of his late majesty's reign, intitled "An Act to prevent the spreading of the small-pox and other infectious sickness, and to prevent the concealing the same," and under all the penalties in the said act contained, until that thirty families are known to be visited in the said town, at one time, with that distemper.

No person to be inoculated until thirty families have the small-pox.

[SECT. 2.] And no person shall presume to inoculate or be inoculated in the said town without the leave of the major part of the selectmen, in writing, at their meeting for such purpose, until that thirty families are known to be visited with the said distemper at one time, unless, before that time, the selectmen of the said town shall give public notice that they have no hope to stop the progress of the said distemper, on the penalty of fifty pounds, to be recovered and applied as in said act is mentioned; and the selectmen of said town are hereby required, so soon as the number of thirty families shall be visited with that distemper, to give notice thereof in the several Boston newspapers, for the information and satisfaction of such as are minded to be inoculated.

Penalty.

Limitation.

[SECT. 3.] This act to continue and be in force for two months from the twentieth day of January, one thousand seven hundred and sixty-four, and no longer. [*Passed January* 20,* 1764.

CHAPTER 18.

AN ACT TO ENABLE THE COLLECTORS OF TAXES IN THE TOWN OF BOSTON TO SUE FOR AND RECOVER THE RATES AND TAXES GIVEN THEM TO COLLECT, IN CERTAIN CASES.

Preamble.

WHEREAS, notwithstanding the provision already made by the laws of this province respecting constables and collectors of taxes, it is repre-

* February 4, according to the record.

sented that in many cases there may be a failure, and the town of Boston have humbly desired that remedy may be provided for their collectors in those cases,—

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That where any person duly rated in the said town, hath absconded, or shall abscond, not having paid such rates, and hath concealed, or shall conceal, his goods and estate, in such cases the collectors and constables of said town shall have like remedy against the agents, factors, or trustees of such absconding person, for the recovery of the rates and taxes given them to collect of such absconding person, as by the laws of this province other creditors have for recovery of their debts. In what cases collectors of taxes in Boston may sue for the same.

And be it further enacted,

[Sect. 2.] That where any person duly rated in the said town hath died, or shall die, before payment of the said rates, and where any constable or collector of the said town hath died, or shall die, before he hath collected the rates and taxes given him to collect, and where any person duly rated in the said town hath removed, or shall remove, out of it, into some other town in this province, and where any *feme sole*, being duly rated in the said town, hath intermarried, or shall intermarry, before payment of such rates, and where, the time for payment to the respective treasurers being elapsed, the collectors or constables in the said town shall have paid the whole sums given them to collect in each year; in all such cases it shall and may be lawful for the collectors or constables of the said town, their executors and administrators, and they are hereby [e][*i*]mpowered, to sue for such rates and taxes; and they shall have all the like remedies for recovery thereof, as other creditors have for recovering their proper debts.

[Sect. 3.] This act to continue and be in force for two years from the first day of February, [A.D. 1764] [*one thousand seven hundred and sixty-four*], and no longer. [*Passed January* 28; * *published February* 4, 1764. Limitation.

CHAPTER 19.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

We, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the publick debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted,— Preamble.

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-four, to the twenty-fifth day of March, one thousand seven hundred and sixty-five, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz.,— Rates of impost.

* February 4, according to the record.

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of sugar, fourpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, fourpence.

—And so, proportionably, for a greater or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings' value, excepting such goods as are imported from Great Britain.

Double impost to be paid for goods imported by the inhabitants of other colonies, &c.

[SECT. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize (excepting tea, which shall only pay fourpence) that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of the said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided always*, that every thing which is the growth or produce of the provinces or colonies aforesaid (tobacco and bar-iron excepted), and all provisions, salt, cotton-wool, pig-iron, mahogany, brazilleto, black-walnut, lignum-vitæ, red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

Proviso.

And be it further enacted,

Drawback of the whole impost, to the exporter, in case.

[SECT. 3.] That all goods, wares and merchandize, the property of any of the inhabitants of any of the neighbouring provinces or colonies on this continent, that shall be imported into this province, and shall have paid, or on which there shall have been secured to be paid, the duty of impost, by this act provided to be paid, and afterwards shall be exported and landed in any of the said provinces or colonies on this continent, then and in such case the exporter, producing a certificate from some officer of his majesty's customs, that the same has been landed in some of the provinces or colonies aforesaid, shall be allowed a drawback of the whole duty of impost by him paid, or secured to be paid, as by this act provided.

And be it further enacted,

Masters of vessels to make report.

[SECT. 4.] That the master of every ship or vessel coming into this province from any other place, shall, within twenty-four hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner aforesaid, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantities of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that, if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he will forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

To forfeit, in case of breaking bulk.

[SECT. 5.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry

thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[Sect. 6.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make an entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz.,—

Oath.

You, A. B., do swear that the entry of goods and merchandize, by you now made, exhibits the present value of said goods, and that, *bonâ fide*, according to your best skill and judgment, it is not less than the real value thereof. So help you God.

—which oath the commissioner or receiver, appointed in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

Duties to be paid before landing.

[Sect. 7.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or in any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[Sect. 8.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consign'd, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

Commissioner allowed to give credit.

[Sect. 9.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds: which credit shall be so limited as that he shall settle and ballance his accompts with every person, on or before the twenty-sixth day of March, one thousand seven hundred and sixty-five, that the said accompts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry, to what value soever.

And be it further enacted,

Importer by land-carriage, or in small vessels, to make report.

[Sect. 10.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fifth day of March, one thousand seven hundred and sixty-four, and until the twenty-sixth day of March, one thousand seven hundred and sixty-five, by land-carriage, or in small vessels and boats, shall make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how, and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay, or secure to be paid, the several duties aforesaid by this act charged and chargeable upon such

wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put into any store or place whatsoever.

And be it further enacted,

Allowance for leakage.

[SECT. 11.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for leakage: *provided* such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for that port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 12.] And if it may be made to appear that any wines imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repayed unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered, or the duty not paid.

[SECT. 13.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid, or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

Master liable to be sued.

[SECT. 14.] That the commissioner or receiver of impost in each port, shall be and hereby is impowered to sue the master of any ship or vessel, for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, as aforesaid, as shall remain not entered and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ships, &c., liable to be taken in execution.

[SECT. 15.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this

act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost have not been paid; and, upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures, or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same as aforesaid; and the master occasioning such loss or damage unto the owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[Sect. 16.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store, to be allowed.

[Sect. 17.] And the commissioner or receiver of impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

And for the more effectual preventing any wines, rum or other distilled spirits being brought into the province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost,—

Be it enacted,

Commissioner to appoint officers in places where wines, rum, &c., may be brought out of other governments.

[Sect. 18.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impowered and enjoined to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government: and such officer or officers are also impowered to search, in all suspected places, for such wines, rum or other distilled spirits or for tea brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided.

And be it further enacted,

Commissioner or deputy empowered to administer the oaths, &c.

[Sect. 19.] That the commissioner or his deputies shall have power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and

merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

And be it further enacted,

The commissioner or deputy, upon information of any liquors being brought into this province and the duty not paid, to apply to a justice, for a warrant to search, &c.

[SECT. 20.] That if the said commissioner, or his deputy, shall have information of any wines, rum or other distilled spirits, or tea, being brought into and landed in any place in this province, for which the duties aforesaid shall not have been paid after their being brought into or relanded in this government, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said commissioner or his deputy's making oath that he hath had information as aforesaid; and having such warrant, and being attended by such officer, the said commissioner or his deputy may, in the daytime, between sunrise and sun-setting, demand admittance of the person owning or occupying such place, and, upon refusal, shall have right to break open such place; and, finding such liquors or tea, may seize and take the same into his own custody; and the commissioner aforesaid, or his deputy, shall be and hereby is impowered to command assistance, and impress carriages necessary to secure the liquors or tea seized as aforesaid; and any person refusing assistance, or preventing any of the officers aforesaid from executing their office, shall forfeit five pounds to the said commissioner; and he or his deputy shall make reasonable satisfaction for the assistance afforded, and carriages made use of, to secure the liquors or tea seized as aforesaid; and the commissioner or his deputy shall then file an information of such seizure in the inferiour court of common pleas for the county wherein such seizure shall be made, which court shall summon the owner of such liquors or tea, or the occupier of such shop, house or warehouse, or distill-house where the same were seized, to appear and shew cause, if any he has, why such liquors or tea so seized shall not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or shall make default, the said liquors or tea shall be adjudged forfeited, and the said court shall order them to be sold at public vendue; and the nett produce of such sale shall be paid, one half to the province treasurer for the use of this province, and the other half to the said commissioner.

And be it further enacted,

Tonnage of shipping.

[SECT. 21.] That there shall be paid, by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jersey, Connecticut, New York, New Hampshire, Rhode Island and Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the governments aforesaid, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the uses and ends aforesaid.

Vessels to be measured, if suspected.

[SECT. 22.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessel, before she shall be cleared, in case she shall appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be

allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

Drawback for wine, rum and tea, allowed, in case.

[Sect. 23.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which shall have been paid agreeable to this act, shall be re-shipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wines or rum or tea shall make oath, at the time of shipping, before the receiver of impost or his deputy, that the whole of the wine or rum or tea so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government,—or otherwise, in case such rum or wines or tea shall be exported to any place where there is no officer of the customs, or to any foreign port, the master of the vessel in which the same shall be exported shall make oath that the same has been landed out of the government,—and the exporter shall, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines, rum or tea has been relanded in this province,—such exporter shall be allowed a drawback from the receiver of impost as follows; viz.,—

For every pipe of wine, nine shillings.

For every hogshead of rum, seven shillings and sixpence.

And for every pound of tea, fourpence.

Provided, always,—

Proviso.

[Sect. 24.] That if, after the shipping of such wines or rum or tea to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum or tea so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so relanded and brought again into this province shall be forfeited, and may be seized by the commissioner aforesaid or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[Sect. 25.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatever relates thereunto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and tunnage of shipping as aforesaid that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also a particular account of every vessel, so that the duties of impost and tunnage arising on said vessel may appear; and the same to lie open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their entering upon the execution of their said office, shall be sworn to deal truly and faithfully therein, and shall

attend in said office from ten of the clock in the forenoon, until one in the afternoon.

[SECT. 26.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries as aforesaid to himself and his deputies.

And be it further enacted,

Charges of prosecution, how to be paid, in case.

[SECT. 27.] That all penalties, fines and forfeitures accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action, bill, plaint or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

Disposition of forfeitures.

[SECT. 28.] That from and after the commencement of this act, in all causes wherein any claimant shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed January* 27,* 1764.

CHAPTER 20.

AN ACT FOR ERECTING PART OF THE TOWN OF NEWBURY INTO A NEW TOWN BY THE NAME OF NEWBURYPORT.

Preamble. 4 Mass., 390.

WHEREAS the town of Newbury is very large, and the inhabitants of that part of it who dwell by the water-side there, as it is commonly called, are mostly merchants, traders and artificers, and the inhabitants of the other parts of the town are chiefly husbandmen; by means whereof many difficulties and disputes have arisen in managing their public[k] affairs,—

Be it enacted by the Governor, Council and House of Representatives,

Bounds of Newburyport.

[SECT. 1.] That that part of the [said] town of Newbury, and the inhabitants thereof, included within the following line; namely, beginning at Merrimack River, against the north-east[ward][er]ly end of the town way commonly called Cottle's Lane, and running, as the said lane doth, on the east[ward][er]ly side of it, to the highway commonly called the High Street; and so, west[ward][er]ly, as the said highway runs, on the north[ward][er]ly side thereof, till it comes to a town way known by the name of Fish Street; and thence, southwest[ward]-[er]ly, as the way goes, and on the east[ward][er]ly side thereof, leading by Benjamin Moodey's, to a place called the West Indies, until it intersects a streight line drawn, from the south[ward][er]ly side of the highway against Cottle's Lane aforesaid, to a rock in the great pasture near the dividing line between the third and fifth parishes there; and so, as the said streight line goes, until it comes to the dividing line aforesaid; and from thence, as the said dividing line runs, by the said fifth parish, down to Merrimack River, and thence, along said river, to the place first mentioned,—be and hereby are constituted and made a [seperate

* February 4, according to the record.

and] distinct town by the name of Newburyport, and vested and endowed with all the powers, priviledges and immunities that the inhabitants of any of the towns within this province do or ought by law to enjoy: *save* that they shall have the right of chusing and sending, from time to time, but one person to represent them in the great and general court of this province. Newburyport made a town.

And whereas the whole town of Newbury were, by law, impowered to send two representatives to the general court,— Preamble.

Be it further enacted,

[Sect. 2.] That the inhabitants of the remaining part of the town of Newbury aforesaid, shall, for the future, have a right to chuse and send no more than one person to represent them, from time to time, in the great and general court of this province; any law, usage or custom to the contrary notwithstanding. Newbury to send but one representative.

And be it further enacted,

[Sect. 3.] That the assessments heretofore made on the inhabitants of the undivided town of Newbury, by the assessors, are hereby ratified and confirmed, notwithstanding any deficiency therein; and the several collectors to whom they were committed are hereby required and impowered to levy and collect the same, anything in this act to the contrary notwithstanding. Assessments confirmed.

And be it further enacted,

[Sect. 4.] That the selectmen of the undivided town of Newbury, who, from time to time, have acted as treasurers, shall make a fair settlement and adjustment of their accounts; and if any ballance shall be remaining in their hands, the inhabitants of the town of Newburyport shall have and receive their just and due proportion thereof; and if, upon such settlement, the undivided town of Newbury shall be in arrears, the inhabitants of the town of Newburyport shall pay their just and due proportion thereof. Accounts of the undivided town, to be settled.

And be it further enacted,

[Sect. 5.] That the inhabitants of Newburyport shall pay to the inhabitants of the sep[e][*a*]rate town of Newbury, their just and equal proportion of the public[*k*] buildings that, on this division, shall fall within the limits of Newburyport aforesaid; and that the inhabitants of the sep[e][*a*]rate town of Newbury shall pay to the inhabitants of Newburyport, their just and equal proportion of the public[*k*] buildings that, on this division, are not within the limits aforesaid: the several proportions aforesaid to be settled and adjusted according to the province tax which was laid by the assessors next after the last valuation taken. Newburyport to pay towards public buildings.

And be it further enacted,

[Sect. 6.] That the inhabitants of Newburyport shall, from time to time, amend and repair a certain bridge over the river Artichoke, which they will have occasion frequently to pass and repass, althô the same bridge is not included within the limits of Newburyport aforesaid. Newburyport to keep in repair a certain bridge.

And be it further enacted,

[Sect. 7.] That nothing in this act shall any way affect, change or alter any of the lines of the several parishes within what was heretofore the town of Newbury, but that the same shall be and remain as heretofore by law established, anything in this act to the contrary notwithstanding. Lines of parishes not to be altered.

And be it further enacted,

[Sect. 8.] That the inferio[*u*]r court of common pleas, and the court of general sessions of the peace, by law appointed to be held at Newbury on the last Tuesday of September annually, shall for the future be held in Newburyport on the last Tuesday of September annually, and to all intents and purposes shall be considered as when held Inferior court, &c., to be held at Newburyport.

in the town of Newbury as aforesaid, any law to the contrary notwithstanding.

And be it further enacted,

First town-meeting, how to be called.

[SECT. 9.] That John Choate, Esq[q]., be and hereby is directed and impowered to issue his warrant to some principal inhabitant of Newburyport, requiring him to notify and warn the inhabitants of the said Newburyport, qualified by law to vote in town affairs, to meet at such time and place as shall therein be set forth, to chuse all such officers as any of the towns within this province by law have a right to chuse, which officers shall take the respective oaths by law required by them to be taken.

And be it further enacted,

Poor of the undivided town, how to be supported. 4 Mass. 390.

[SECT. 10.] That if any person or persons heretofore belonging to the undivided town of Newbury aforesaid, and removed from thence, and shall be returned thither again, and become a public[k] charge, the same shall be paid by the two towns aforesaid, in proportion to the province tax laid on them from time to time. [*Passed January* 28,* 1764.

CHAPTER 21.

AN ACT FOR HOLDING THE SUPERIOR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, AT CAMBRIDGE, IN THE COUNTY OF MIDDLESEX, ON THE THIRD TUESDAY OF APRIL, THIS PRESENT YEAR, INSTEAD OF CHARLESTOWN, IN THE SAID COUNTY, ON THE LAST TUESDAY OF JANUARY IN THE SAME YEAR.

Preamble.

WHEREAS, by reason of the prevalence of the small-pox in the town of Boston, it is apprehended that it will be inconvenient that the superior court of judicature, court of assize and general goal delivery, for the county of Middlesex, which ought, by law, to be held at Charlestown, in the said county, on the last Tuesday of January in this present year, should be held at the said time and place,—

1742-43, chap. 32, § 2.

Be it therefore enacted by the Governor, Council and House of Representatives,

Middlesex superior court, &c., to be held at Cambridge in August, 1764.

[SECT. 1.] That the superior court of judicature, court of assize and general goal delivery, for the county of Middlesex, shall not be held at Charlestown, in the said county, on the last Tuesday of January in the present year, but shall be held at Cambridge, in and for the said county, on the third Tuesday of April in the same year; and all appeals, writs of review, executions and all recognizances, warrants, processes, matters or things whatsoever returnable to, or which might have been proceeded on, adjudged and determined at, the said court, in Charlestown, shall be in like manner returnable to, and may in like manner be proceeded on, adjudged and determined at, the said court, to be held in Cambridge by virtue of this act; and shall be as valid, to all intents and purposes in the law, as if such returns had been made to, and such proceedings had at, a court in Charlestown, on the last Tuesday of January as aforesaid, any law, usage or custom to the contrary notwithstanding.

And be it further enacted,

All matters which were to have been heard in March, continued over to April.

[SECT. 2.] That all actions, causes and matters whatsoever, by appeal from the court of general sessions of the peace, and inferior court of common pleas, to be holden at Charlestown, on the second Tuesday of March in this present year, shall and may be heard, proceeded on, adjudged and determined at the superior court of judicature, court of assize and general goal delivery, to be holden at Cambridge, on the third Tuesday of April by virtue of this act, in like manner as they

* Signed February 4, according to the record.

might by law have been heard, proceeded on, adjudged and determined at the superior court of judicature, court of assize and general goal delivery, which is to be held at Cambridge, on the first Tuesday in August, if this act had not been made and passed. [*Passed January* 28;* *published February* 4, 1764.

CHAPTER 22.

AN ACT IN FURTHER ADDITION TO THE ACTS OR LAWS OF THIS PROVINCE, RELATING TO COMMON FIELDS, TO EXTEND ONLY TO THE COUNTY OF HAMPSHIRE.

Preamble. 1692-93, ch. 28, § 3. 1698, ch. 12, § 5. 1712-13, ch. 9. 1753-54, ch. 1.

Whereas the provision made by law for the partition of common fields has been found ineffectual for such partition of many common fields, in the county of Hampshire, as would be beneficial to many proprietors of such fields, and not injurious to the proprietors in general,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Proprietors in common fields may apply for a division.

[Sect. 1.] That when any three or more of the owners or proprietors of lots in common fields, lying within one general fence or inclosure, within said county of Hampshire, shall make application in writing, under their hands, to the proprietors of such common field, at any meeting legally warned for that purpose, to have the lots or parts of the owners or proprietors so applying, or theirs, with other lots or parts, when taken together, make one entire field, to be divided and separated from the rest by one common fence, and to be improved as a distinct and separate, but common, field; and the proprietors, to whom such application shall be made, shall refuse their assent to such division or partition, it shall and may be lawful for the justices of the court of general sessions of the peace, for the said county, upon application made to them, to appoint a committee of five freeholders, within said county (under oath), to make the partition prayed for, if it shall appear to such committee to be expedient; and to assign to each field its part or proportion of the divisional fence, by means of the partition aforesaid to be kept up and maintained by the proprietors of the respective common fields; and the return being made under the hands of the major part of such committee, and accepted by the said court of sessions, the fields so separated shall be considered as distinct and separate common fields, and the owners or proprietors of each field a distinct and separate propriety, as fully, to all intents and purposes whatsoever, as the owners or proprietors of such general field were considered before such partition were made.

Court of sessions to appoint five freeholders to make partition:

Provided,—

provided other proprietors shall be notified.

[Sect. 2.] That no order for appointing a committee be made until the rest of the proprietors have been duly notified of such application, and opportunity given them to make their objections thereunto; which notice shall be given by serving the clerk of such proprietors with a copy of such written application thirty days at least before such order or appointment be made; and every committee that shall be appointed and employed, as aforesaid, shall make return of their doings, in writing, under their hands, unto said court, as soon after as may be, for acceptance and confirmation; and the proprietors whose interest shall be so set off, as well as the remaining proprietors, shall have and enjoy all the powers and priviledges which the proprietors of general fields are by law vested withal.

* Signed February 4, according to the record.

Limitation.

[SECT. 3.] This act to continue and be in force five years from the first day of February, one thousand seven hundred and sixty-four, and no longer. [*Passed January* 31;* *published February* 4, 1764.

CHAPTER 23.

AN ACT FOR SUPPLY OF THE TREASURY WITH FOURTEEN THOUSAND POUNDS, AND APPLYING THE SAME FOR THE DISCHARGE OF THE PUBLIC DEBTS.

Preamble.

WHEREAS the provision made by this court to defrey the charges of government, and compleat the payment of the troops employed by this province in the expedition for the year 1762, is insufficient; *and whereas* the money receiv'[*e*]d and to be received in the treasury, for excise upon spirituous liquors in the year 1763, is not appropriated for any purpose whatsoever,—

Be it enacted by the Governor, Council and House of Representatives,

£14,000, arising by the excise, appropriated.

[SECT. 1.] That the sum of fourteen thousand pounds, when received into the treasury, for excise on spirituous liquors for the year 1763, shall be issued in the manner and for the purposes following; that is to say, the sum of ten thousand pounds, part of the aforesaid sum of fourteen thousand pounds, shall be appl[*y*][*i*]ed for the payment of such premiums and grants that now are or that hereafter may be made by this court; and the further sum of one thousand pounds, part of the aforesaid sum of fourteen thousand pounds, shall be appl[*y*][*i*]ed for the payment of the bounty upon wheat and flour; and the remaining sum of three thousand pounds, part of the aforesaid sum of fourteen thousand pounds, shall be appl[*y*][*i*]ed for the compleating of the payment of the provincial troops employed in the year 1762, under the command of General Amherst.

And be it further enacted,

Treasurer to pay out of the appropriation directed to, by warrant.

[SECT. 2.] That the treasurer be and hereby is directed and ordered to pay the said sum of fourteen thousand pounds out of such appropriations as shall be directed to by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and accompts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accompts, after payment thereof. [*Passed January* 31;* *published February* 4, 1764.

CHAPTER 24.

AN ACT TO ENABLE THE PROPRIETORS OF THE PLANTATION CALLED YOKUM TOWN AND MOUNT EPHRAIM, IN THE COUNTY OF BERKSHIRE, TO GRANT TAXES ON THEIR LAND, AND BRING FORWARD THE SETTLEMENT OF SAID PLANTATION.

Preamble.

WHEREAS the general court at their session in January, one thousand seven hundred and sixty-three, granted to a number of purchasers that tract of land called Yokum Town and Mount Ephraim, in the county of Berkshire, by meets and bounds to each particular purchaser, to hold the same in severalty, by means whereof the said purchasers are not enabled, by any of the laws of this province, to raise any money to carry

* Signed February 4, according to the record.

on and bring forward the settlement of the said plantation, according to the conditions of the grant aforesaid and the injunction of the general court on said purchasers at that time made; *and whereas* a considerable number of said purchasers have humbly petitioned this court for relief in the premis[*s*]es; for remedy whereof,—

Be it enacted by the Governor, Council and House of Representatives, and it is accordingly enacted,

Purchasers of Yokum Town and Mount Ephraim, incorporated into a propriety.

[Sect. 1.] That the said purchasers of said plantation of Yokum Town and Mount Ephraim shall be and accordingly are incorporated into one distinct propriety, and are vested with the same powers and priviledges as, by the laws of this province, proprietors in common are vested with, so far as is necessary for calling meetings, granting taxes upon the land of the said purchasers in said plantation, assessing and collecting and disposing of the money so raised, laying out, making and repairing necessary ways, and for carrying forward the settlement of the said plantation, agreeable to the order of the general court.

And for the [i][*e*]ncouragement of the settlers on the land aforesaid,—

Be it further enacted,

Settlers exempted from taxes until further order.

[Sect. 2.] That those persons who are or shall be actually settled upon the land aforesaid shall be exempted from paying any tax or taxes, with any of the adjacent towns, until the further order of the general court. [*Passed January* 31; * *published February* 4, 1764.

CHAPTER 25.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Preamble.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz[t]., two acts made in the thirty-second year of the reign of King George the Second; one, intit[u]led "An Act providing that the solemn affirmation of the people called Quakers shall, in certain cases, be accepted instead of an oath in the usual form;" the other, intit[u]led "An Act in addition to an act relating to executors and administrators;" two acts made in the first year of his present majesty's reign; one, intit[u]led "An Act in addition to an act made and passed this present year, intit[u]led 'An Act to prevent damage being done on the meadows and beaches lying in and adjoining to the north side of the town of Harwich, between Skeket Harbour, on the east, and Quevet Harbour, on the west;'" the other, intit[u]led "An Act establishing a watch for the safety and better securing the good order of the town of Boston,"—

1758–59, ch. 18.

1758–59, ch. 37.

1760–61, ch. 28.

1761–62, ch. 5.

Be it therefore enacted by the Governor, Council and House of Representatives,

Sundry acts continued.

That such of the beforementioned acts as are expired, be revived, and such of said acts as are not yet expired, be continued, with all and every article, clause, matter and thing therein respectively contained, and shall be in force until the first day of July, which will be in the year of our Lord one thousand seven hundred and seventy, and no longer. [*Passed January* 31; * *published February* 4, 1764.

* Signed February 4, according to the record.

CHAPTER 26.

AN ACT FOR ERECTING A TOWN IN THE COUNTY OF LINCOLN, BY THE NAME OF TOPSHAM.

Preamble.

WHEREAS the inhabitants settled on a tract of land situate on the easterly side of Androscoggin River, lying convenient for a town, hitherto called and known by the name of Topsham, within the county of Lincoln, have humbly petitioned this court that, for the reasons therein mentioned, they may be incorporated into a town, and vested with the powers and authorities belonging to other towns; therefore, for the encouragement of said settlement,—

Be it enacted by his excellency the Governor, Council and House of Representatives, in general court assembled,

Bounds of Topsham.

[SECT. 1.] That the said tract of land, described as follows; viz[t]., to begin upon the southerly line of the town of Bowdoinham, where said line strikes the water, and from thence, to run a west-north-west course, upon said Bowdoinham line, as far as it goes; and from thence, on the same streight course, to Little River, so called, which is about eight miles from the water aforesaid; and from thence, southwardly, down said Little River, to Androscoggin River, and down said Androscoggin River, to Merrymeeting Bay; and from thence, to the line of Bowdoinham aforesaid, including several small islands or islets, lying in said Androscoggin River, between the said Little River and the falls at Brunswick Fort, be and hereby is erected into a town to be called Topsham; and the inhabitants thereof shall have and enjoy all such immunities and priviledges as other towns in this province have and do, by law, enjoy.

And be it further enacted,

First town-meeting, how to be called.

[SECT. 2.] That Aaron Hin[c]kley, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the said town of Topsham, requiring him, in his majesty's name, to warn and notify the said inhabitants, qualified to vote in town affairs, to meet together, at such time and place in said town as shall be appointed in said warrant, to chuse such officers as the law directs and may be necessary to manage the affairs of said town; and the inhabitants, being so met, shall be and hereby are impowered to chuse such officers accordingly. [*Passed January* 31,* 1764.

CHAPTER 27.

AN ACT FOR REVIVING TWO LAWS THAT ARE EXPIRED.

Preamble.

WHEREAS the two acts hereafter mentioned, which are now expired, have been found useful and beneficial; namely, one act, made in the twenty-eighth year of his late majesty King George the Second, intitled "An Act for preventing the unnecessary destruction of alewives and other fish within this province;" the other, made in the thirty-first year of the same reign, intitled "An Act in addition to an act, intitled 'An Act for preventing the unnecessary destruction of alewives and other fish within this province;'"—

1754-55, ch. 31.

1757-58, ch. 37.

Be it therefore enacted by the Governor, Council and House of Representatives,

Two several acts continued.

That the aforementioned acts, which are expired, with all and every article, clause, matter and thing therein contained, be and hereby are

* Signed February 4, according to the record.

revived; and that the said acts shall be in force until the first day of February, in the year of our Lord one thousand seven hundred and sixty-five, and no longer. [*Passed February 2*; * *published February 4, 1764.*

CHAPTER 28.

AN ACT FOR THE PRESERVATION AND INCREASE OF MOOSE AND DEER WITHIN THIS PROVINCE.

Preamble. 1693-94, ch. 19. 1698, ch. 21. 1717-18, ch. 12. 1739-40, ch. 3. 1744-45, ch. 14. 1751-52, ch. 7. 1754-55, ch. 7.

Whereas the laws heretofore made for the preservation and increase of deer in this province have not answered that valuable end, and it is found necessary to make other provision for that purpose, as also for the preservation and increase of moose within this province,—

Be it enacted by the Governor, Council and House of Representatives,

Act of 10th of William, repealed. 1698, chap. 21.

[Sect. 1.] That the act of this province, made in the tenth year of the reign of King William the Third, intitled "An Act for the better preservation and increase of deer within this province," be and hereby is repealed, and declared null and void.

And be it further enacted,

Time limited for killing moose or deer.

[Sect. 2.] That each and every person who shall hereafter kill any moose or deer, between the twenty-first day of December and the eleventh day of August, in any year, or have the flesh or raw skin of any moose or deer, killed within the time aforesaid, in his possession, and be thereof convicted, shall, for each and every moose or deer so killed, and for each raw skin or the flesh of any moose or deer, killed within the time aforesaid, found in his possession, pay a fine of six pounds, and costs of prosecution; one moiety of the said fine to be to his majesty for the use of this province, and the other moiety thereof to him or them that shall inform against and prosecute the offender to effect.

Method of conviction.

Fine appropriated.

And be it further enacted,

Deer-reeves to be chosen in each town.

[Sect. 3.] That each town and district in this province shall, at their publick meeting in March, annually, chuse two or more meet persons to be deer-reeves, whose more especial business it shall be to inquire into and inform of all offences against this act, and to prosecute the offenders; and the persons so chosen shall be sworn to the faithful discharge of their trust, as town and district officers are sworn; and every person so chosen into the said office shall forthwith declare his acceptance or refusal thereof; and if he shall refuse to accept the said trust, or to take the oath aforesaid, he shall pay a fine of five pounds, to the use of the town or district that chose him; and upon such refusal, they shall forthwith proceed to a new choice; and if the person so refusing shall not pay down the fine, he shall be convened before the court of general sessions of the peace in the same county, who, upon certificate, under the hand of the town or district clerk, that such person was legally chosen into the office of deer-reeve, and his shewing no just cause to the court for his refusal, may commit him to goal, there to remain until he has paid the said fine and the costs of prosecution: and every town and district neglecting their duty aforesaid, and being thereof convicted, shall forfeit and pay the sum of thirty pounds to the use of the county in which such town or district lies.

Penalty for refusing to serve.

Penalty on towns not choosing.

And be it further enacted,

Court of sessions to ap-

[Sect. 4.] That the courts of general sessions of the peace in the

* Signed February 4, according to the record.

point deer-reeves for new plantations.

respective counties be and hereby are empowered and required, yearly and seasonably, to appoint one or more meet persons in every new plantation, where ten or more families are settled, to be deer-reeves, to do and perform the like business and service as the deer-reeves chosen by towns are obliged to do and perform; and the persons so appointed by the courts aforesaid shall be sworn to the faithful discharge of their trust; and every person so appointed, who shall refuse to accept the said trusts, or to take the oath aforesaid, shall pay a fine of five pounds, to the use of the county wherein he is so appointed, and, upon his refusing to pay the same, may be, by the said court, committed to goal, there to remain until he pay the same, with costs of prosecution.

And be it further enacted,

Suspected persons to be examined.

[SECT. 5.] That, upon information made, on oath, to any justice of the peace, that there are just grounds to suspect that any person or persons shall have killed any deer or moose, against this act, or shall have the flesh, skin or skins of such moose or deer in his or their possession, such justice may, and he is hereby empowered to, issue his warrant to the sheriff of the county, his undersheriff or deputy, or to the constable of the town or district where such suspected person or persons shall dwell or reside, requiring them not only to bring before him the person or persons so informed against, to be examined touching the premisses, but also to make diligent search for such flesh, skin or skins, and to enter the dwelling-house where the flesh or skins shall be suspected to be (such entry to be made in the daytime, and the house to be particularly named or specified in the warrant), and to seize and secure such flesh and skins, in order to their being produced in evidence on the trial; and all such flesh and skins so found, between the twenty-first day of December and the eleventh day of August, in any year, shall be deemed and taken to be the flesh and skins of moose or deer killed within that time, unless, on trial, the contrary shall be made to appear.

Sheriffs, &c., to search for flesh or skins.

Justice may require security of suspected persons, in certain cases.

[SECT. 6.] And if, upon examination of any person or persons so informed against, or otherwise, it shall appear to the justice probable that such person or persons are guilty of killing moose or deer, or of having in his or their possession the flesh or raw skin or skins of any moose or deer killed, against this act, he may require such person or persons to give sufficient security for his or their appearing at the next court of general sessions of the peace, to be held in the county where the offence is alledged to be committed, to answer the charge that may be made against him for such offence, and abide the judgment that may be given thereon; and upon such person or persons neglecting or refusing to give such security, may commit him or them to goal, there to remain until trial, or until he shall be discharged by due course of law; and such justice may also cause all such persons as he shall judge proper, to appear before him, to give evidence in the cause aforesaid, and may bind them to appear at the court aforesaid, to give evidence, in his majesty's behalf, against the person or persons informed against, as aforesaid: and every person refusing to appear, or to give such evidence as he knows against any person or persons, so accused, shall be liable to the same penalty as the person or persons accused would be subjected to if convicted.

And bind over persons to give evidence.

And be it further enacted,

Grand juries to make inquiry, and prosecute.

[SECT. 7.] That the grand juries in the several counties are hereby required, from time to time, diligently to [e][*i*]nquire after and to prosecute all breaches of this act. [*Passed February* 3; * *published February* 4, 1764.

* Passed February 4, according to the record.

CHAPTER 29.

AN ACT FOR CONTINUING ALL TRIALS BY JURY, CIVIL AND CRIMINAL, FROM THE SUPERIOR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, FOR THE COUNTY OF SUFFOLK, TO BE HELD THE THIRD TUESDAY OF FEBRUARY, THE PRESENT YEAR, TO THE SUPERIOR COURT, &c., FOR THE SAID COUNTY, TO BE HELD THE THIRD TUESDAY IN AUGUST, NEXT.

Preamble.

Whereas the small-pox is in divers families in the town of Boston, which must expose to danger of infection great part of the grand jurors, petit jurors and others, who are required to attend the superior court of judicature, court of assize and general goal delivery, to be held at said Boston, the third Tuesday of February, instant,—

Be it therefore enacted by the Governor, Council and House of Representatives,

All matters pending in the superior court for Suffolk, continued over to August, 1764.

That no grand jurors, nor petit jurors, nor witnesses, nor parties in actions or causes, civil or criminal, for trial by juries, shall be held to attend the said superior court, &c.; and all such actions or causes shall be continued to the superior court of judicature, &c., to be held at said Boston, the third Tuesday of August, next; and all persons whatsoever, imprisoned, or under recognizance for their appearance at the said superior court, &c., to be held the third Tuesday of February, shall be held to appear, and may be proceeded against, at the superior court the third Tuesday in August, in like manner as they would have been held, and they might have been proceeded against, at the said court in February, if this act had not been made and passed. [*Passed February* 3;* *published February* 4, 1764.

CHAPTER 30.

AN ACT FOR SETTING OFF THE INHABITANTS, AS ALSO THE ESTATES, OF THE WESTERLY PART OF LUNENBURG, INTO A SEPARATE TOWN, BY THE NAME OF FITCHBURG.

Be it enacted by the Governor, Council and House of Representatives,

Bounds of Fitchburg.

[Sect. 1.] That the inhabitants, with their lands, on the westerly part of Lunenburg, beginning at such a place on Leominster line as that a strait line therefrom may run between the lands of Messieurs Paul Witherby and Jonathan Wood, to a stake and stones, a small distance to the westward of Mary Holt's house; then, turning and running, north, ten degrees and an-half east, to the south-east corner of Ephraim Whitney's land; then, to keep the east[er][*ward*]ly line of said Whitney's land, to the north-east corner thereof; and, from that corner, to run northwardly, on the eastwardly line of John White's land, to the north-easterly corner thereof; and, from that corner, to run north, four degrees east, to Towns[*h*]end line; then, running west, thirty-one degrees and an-half north, on Towns[*h*]end line, to Dorchester-Canada line; then, turning south, nine degrees west, eight miles and an hundred and forty rods, on Dorchester-Canada line, to Westminster line; then, turning east, eleven degrees thirty minutes south, three miles and thirty-one rods, to a heap of stones in Leominster line; then, turning, and running to the bounds first mentioned,—be and hereby is set off and erected into a

* Signed February 4, according to the record.

Erected into a town.

separate town by the name of Fitchburg; and that the said town be invested with all the powers, priviledges and immunities that other towns in this province do or may by law enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of said town shall have full power and right, from time to time, to join with the said town of Lunenburg in the choice of a representative or representatives, and be subject to pay their pro[por]tionable part of the charge: who may be chosen either in the town of Lunenburg or town of Fitchburg; in which choice they shall enjoy all the priviledges which by law they would have been intitled to if this act had not been made.

Representative, how to be chosen.

[SECT. 2.] And the selectmen of the town of Lunenburg shall issue their warrant to one or more of the constables of the town of Fitchburg, requiring them to notify the inhabitants of the town of Fitchburg of the time and place of their meeting for such choice.

Provided, nevertheless,—

And be it further enacted,

To pay their proportion of charges with Lunenburg.

[SECT. 3.] That the said town of Fitchburg shall pay their proportion of all town, county and province taxes already set on, or granted to be raised by, said town of Lunenburg, as if this act had not been made.

And be it further enacted,

First town-meeting, how to be called.

[SECT. 4.] That Edward Hartwell, Esq[r]., be and hereby is [e][*i*]mpowered to issue his warrant, directed to some principal inhabitant in said town of Fitchburg, requiring him to notify and warn the inhabitants of said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said town. [*Passed February* 3,* 1764.

CHAPTER 31.

AN ACT IN ADDITION TO, AND FOR RENDERING MORE EFFECTUAL, THE SEVERAL ACTS OF THIS PROVINCE FOR REGULATING THE BUILDINGS IN THE TOWN OF BOSTON, AND PREVENTING FIRE IN THE SAID TOWN.

Preamble.
1692-93, ch. 13, § 2.
1699-1700, ch. 24.
1711-12, ch. 5.
1748-49, ch. 14.
1752-53, chaps. 2 and 17.
1759-60, ch. 30.
1760-61, chaps. 9 and 32.
1762-63, ch. 13.
108 Mass. 200.
130 Mass. 321.

WHEREAS, by an act made in the fourth year of the reign of King William and Queen Mary, intit[*u*]led "An Act for building with stone or brick in the town of Boston and preventing fire," it is, among other things, ordered and enacted "that in all void and unbuilt places which shall after be improved for building, or when at any time any total consumption or desolation shall happen in any street or lane, within the said town, it shall be in the power of the justices of the peace of the said town, then in being, together with the selectmen, or the major part of both, to state and lay out such streets, ways and passages as may be most for the conveniency and accommodation of the place,—as also where any desolation hath happened to regulate and inlarge other narrow and crooked lanes or passages; and where any particular person[s] shall have their lands taken away, or lessened thereby, a jury of twelve men shall be appointed by two justices of the peace, and sworn, to ascertain the value thereof, to be paid by the person to whose land the same shall be added, or by the neighbourhood or town, in proportion to the benefit or conveniency any shall have thereby;" but no provision is made for proportioning or assessing the value of such lands, upon or

* Signed February 4, according to the record.

between the said town and the persons accommodated or benefited thereby, nor for any person so deprived of their lands, to recover such value thereof; wherefore, for providing a more effectual remedy in that behalf,—

Be it enacted by the Governor, Council and House of Representatives,

Jury, to appraise land taken off or added, how to be appointed.

[Sect. 1.] That, in all cases where the lands of any person shall be so taken away, and added or annexed to any of the streets in the said town, or to the lands of any particular person, two justices of the peace for the county of Suffolk, one to be of the *quorum*, shall, in five days after application made to them, in writing, by the owner or owners of such lands so taken away, or by some other person in their behalf, appoint and summon a jury of twelve meet persons, to appraise and ascertain the value of such lands, and to estimate the damage and loss thereby sustained by the owner or owners thereof, and also to estimate the benefit and advantage that may accrue to any particular persons thereby; which shall be paid to the party endamaged, by the party or parties so benefited, or by the said town, or by both, in such proportion as by such jury shall be found reasonable; who shall be under oath, and shall give in their report, in writing, under their hands, of such valuations and estimations, to the said justices, immediately after finishing the same; and the said justices shall, within five days, at farthest, deliver the same report to one or more of the selectmen of the said town, to be safely kept on file from thenceforward.

Report to be filed.

And be it further enacted,

The same rules to be observed where land has been already taken off.

[Sect. 2.] That, in any case where the lands of any person or persons have been already set off and annexed to any street in the said town, and valued pursuant to the aforesaid act, the owner or owners thereof not having been paid or recompenced for the same, the method herein above provided shall, in every respect, be observed, for recompencing such loss and damage: *saving* that the jury to be appointed shall not be charged or obliged to value such lands anew.

And be it further enacted,

Damages to be paid.

[Sect. 3.] That the damages so estimated and assessed, and reported by such jury, shall be paid to the respective owners of the land that are or shall be so taken from them, either by the said town, or by the persons whose lands are or shall be accommodated and bettered thereby, or by both, in such proportion as shall be expressed in the report of such jury; and for the non-payment thereof, within ten days after such report shall be delivered as aforesaid, and demand made, every owner of such land so set off and annexed, may have an action for the same against the party or parties so neglecting to pay their several proportions aforesaid.

Action allowed in case of non-payment.

And be it further enacted,

Cost of valuation to be paid by the town.

[Sect. 4.] That the cost[s] and charges attending the making the valuations, estimates and assessments, in the cases aforesaid, shall be born and paid by the town aforesaid. [*Passed February* 3,* 1764.

* Signed February 4, according to the record.

CHAPTER 32.

AN ACT FOR CONTINUING AND AMENDING AN ACT MADE IN THE FIRST YEAR OF HIS PRESENT MAJESTY, INTITLED "AN ACT FOR ALLOWING NECESSARY SUPPLIES TO THE EASTERN INDIANS, AND FOR REGULATING THE TRADE WITH THEM, AND PREVENTING ABUSES THEREIN."

Preamble. 1760-61, chap. 17.

WHEREAS an act, intitled "An Act for allowing necessary supplies to the eastern Indians, and for regulating trade with them, and preventing abuses therein," is near expiring, and it is expedient for his majesty's service that the same should be continued, with some amendments and additions thereto,—

Be it enacted by the Governor, Council and House of Representatives,

Indians to be supplied by persons appointed by the general court.

[SECT. 1.] That provisions, cloathing and other suitable supplies for a trade with the Indians, be procured with the several sums that have been, now are, or shall hereafter be granted for that purpose by the general court, and applied, from time to time, for supplying the said Indians as aforesaid, by such person or persons as shall be annually chosen by this court, who shall proceed according to the instructions they shall receive from this court, or from the commander-in-chief for the time being, by and with the advice of the council, on any emergency in the recess of this court: *provided* such instructions and directions be consistent with such instructions as are or may be given by the general court; and all supplies of cloathing, provisions or other necessaries shall be lodged at such places in the eastern parts of this province, and elsewhere, as the general court have ordered or may hereafter order.

And be it further enacted,

Truck-masters, how to be appointed.

[SECT. 2.] That a suitable person be appointed by this court for each of the places where any of the goods aforesaid are lodged, as truck-masters for the management of the trade with the Indians; and be paid for his service such sum or sums as this court shall judge reasonable for his allowance in said capacity; and in case of the death or removal of any one or more of said truck-masters, during the recess of the court, another shall be put in his room by the commander-in-chief, with the advice of the council; all such truck-masters shall be under oath, and give sufficient security to the province treasurer for the faithful discharge of their trust, and shall observe the instructions which, from time to time, shall be given them, and they shall not trade, either by themselves, or by any person under them, with the Indians, except it be in the capacity of a truck-master; neither may any officer or soldier, residing at or within any of the truck-houses, or any other person in the pay of this government, either on account of themselves, or any other person or persons, presume to trade with the Indians, on board any ship or vessel or transport, in those parts, for any of the aforementioned goods; nor shall it be lawful for any other person or persons to sell, truck, barter or exchange with any Indian or Indians, any strong beer, cyder, wine, rum, brandy or any other strong liquor, cloathing, or any other thing whatsoever the Indians may want, on penalty of forty shillings, or three months' imprisonment for each and every offence above mentioned.

To be under oath, and give security.

No other persons in the truck-houses permitted to trade with the Indians.

Penalty.

And be it further enacted,

Prices of goods sold the Indians, and of furs received from them, regulated.

[SECT. 3.] That the said truck-master shall sell the goods to the Indians at the prices set in the invoices sent them from time to time by the commissary, which shall be the same which he gave for the goods

in the town of Boston, with a reasonable advance thereon, sufficient to pay the charge of transportation and all other charges arising thereon; and shall allow the Indians, for their furrs and peltry, as the market shall be at Boston, according to their several qualities, by the latest advices that they shall receive from the said officer, who shall send the prices to the several truck-masters at least twice in a year; viz., every spring and fall; and the truck-masters may supply the Indians with rum in moderate quantities, as they shall, in prudence, judge convenient and necessary.

[Sect. 4.] And in case any of the truck-masters shall presume to sell any goods at higher rates than they are set at by the government, or shall charge the government more for any furs or other goods than they allowed the Indians therefor, such truck-master, being convicted thereof, shall forfeit and pay the sum of fifty pounds, and shall thenceforth be altogether disabled to hold or exercise any office within this government; and the more effectually to prevent or detect any such pernicious practices, each and every truck-master, when and so often as he shall settle and adjust his account with the said officers appointed by this court for supplying the Indians (which shall be at least once in a year, and oftner if required), shall make oath before the said officer, who is hereby authorized and appointed to administer the same, in manner following; viz.,—

Truck-master's oath.

You, A. B., do swear that the goods committed to you for the supply of the Indians, have been sold at no higher rate than they were set at by the government, and that you have charged for the furs and goods you have made return of, no more than you have paid the Indians for them. So help you God.

And for the better discovery of such ill-disposed persons, who, through greediness of filthy lucre, and regardless of the publick good, shall privately sell or deliver any sort of strong drink to any Indian or Indians, of which it is difficult to obtain positive evidence, other than the accusation of such Indian or Indians,—

Be it further enacted,

Method of conviction of privately selling to the Indians.

[Sect. 5.] That the accusation and affirmation of any Indian or Indians, the accuser and accused being brought face to face at the time of trial, shall be accounted and held to be a legal conviction of the persons accused of giving, selling or delivering strong drink to such Indian or Indians, unless the person accused shall acquit himself, upon oath, which the court, in all such cases, are hereby impowered to administer in the form following; viz.,—

You, A. B., do swear that neither yourself, nor any other by your order, general or particular assent, privity, knowledge or allowance, directly or indirectly, did give, sell or deliver any wine, cyder, rum or other strong liquors or drink, by what name or names soever called or known, unto the Indian by whom or whereof you are now accused. So help you God.

And be it further enacted,

Defendant may acquit himself on oath.

[Sect. 6.] That upon the complaint or information of any other person for the breach of this law, there being such circumstances as render it highly probable, in the judgment of the justice of the peace before whom the trial shall be, that the person complained of is guilty of a breach of the said act; then and in every such case, unless the defendant shall acquit himself upon oath, to be administred to him by the justice before whom the trial shall be, the same shall be accounted a legal conviction of the defendant for the breach of this law of which he or they shall be accused, and he or they shall pay and suffer the penalty already by this act provided; but in case the defendant shall

acquit himself upon oath, to be administred to him as aforesaid, that then he shall recover against the complainant double his cost occasioned by such prosecution.

Preamble. *And whereas* many complaints have been made by the Indians, respecting the English hunters destroying beaver and other fur, also the beaver dams, and there being danger of great mischief ensuing therefrom,—

Be it therefore further enacted,

English hunters restrained from hunting beaver. [SECT. 7.] That no person or persons, other than Indians, from and after the first day of May, 1764, shall hunt or take any beaver, sables or other furs, to the northward or eastward of Saco truck-house, or the place where the said truck-house stood, except in the towns or plantations where they dwell, on penalty of forty shillings for every such offence, to be recovered by complaint to a justice of the peace, in manner aforesaid; and in case any such fur be found in the possession of any person or persons who has hunted contrary to this act, and who cannot give a satisfactory account to the justice of the peace before whom the trial may be, how they came by the same, it shall be a sufficient evidence to convict such person or persons of a breach of this act; and he or they shall forfeit the said fur and incur the penalty aforesaid.

And be it further enacted,

Penalty applied. [SECT. 8.] That the fines and penalties incurred by this act shall be disposed of, one half to the informer, and the other half to be paid to the truck-master, in whose district the same may be tried, for the relief of Indian widows and children, who may most stand in need of the same.

And be it further enacted,

Penalty for false swearing. [SECT. 9.] That if any person or persons shall hereafter be convicted of false swearing in any case in this act mentioned, he or they shall be liable to the same pains and penalties as is already by law provided against wilful perjury.

Provided, nevertheless,—

Proviso for persons to trade with the Indians. [SECT. 10.] That it shall and may be lawful to and for the governor or commander-in-chief for the time being, by and with the advice of his majesty's council, to grant licences unto such persons as they shall find it necessary to trade with the Indians; such persons so licensed giving bond with sufficient bondsmen, in a competent penalty, to conform to such regulations, limitations and restrictions as the governor, with the advice of the council, shall determine.

Limitation. [SECT. 11.] This act to continue and be in force for the space of one year from the first day of May next, and to the end of the then next session of the general court, and no longer. [*Passed and published February* 4, 1764.

NOTES.—The General Court was adjourned to Cambridge, Jan. 16, 1764, on account of the small-pox then prevalent in Boston. The Court assembled at Cambridge, Jan. 18, and remained in session until the fourth of February.

All the acts of this year were printed: chapters 10 and 19 separately; and the engrossments of all are preserved, except of chapters 17, 19, 21, 22, 29 and 32.

The acts of the first session were certified for transmission, July 1, 1763. They were delivered to the clerk of the Privy Council, in waiting, September 14, and, on the third of October, referred to the committee on plantation affairs, by whom, three days later, they were referred to the Lords of Trade. On the eleventh of October, the Lords of Trade sent them to Sir Matthew Lamb, for his opinion thereon, who, on the sixth of April following, reported that he had no objection to them in point of law. This report was read at a meeting of the Lords of Trade, on the second of July, 1764, when the draught of a letter to Gov. Bernard was ordered to be prepared. This letter was accordingly prepared and signed on the 13th. It contains but one reference to the acts of this session, which is printed in the note to chapter 3, *post*.

The acts of the second session were certified for transmission, March 8, 1764, and the letter of Gov. Bernard accompanying them, is dated March 10. Mention of

them first appears in the minutes of the Lords of Trade, July 2, 1764, when they were referred to Sir Matthew Lamb; but no record has been discovered of his report thereupon. On the 16th of April, 1767, a representation was made by the Board, on such of the acts of several years, including this year, as they judged ought not to be allowed, or which, from their nature, or from the terms and conditions upon which they were passed, required the royal confirmation. In this report the suggestions which appear in the note to chapter 19, *post*, and the observations on the acts incorporating towns, which are given in full in the note to 1765-66, chapter 23, *post*,—were the only comments made on the unexpired acts of either session.

Chap. 2. "May 28, 1763. The two Houses according to agreement proceeded to the choice of a Collector of excise for the County of York the current Year. The Votes being counted and sorted, it appeared that Mr David Sewall was chosen by a major Vote of the Council and House of Representatives."—*Council Records, vol. XXV., p.* 8.

Chap. 3. "June 18, 1761. A Complaint of Reuben Cognehew and Others, Indians of Mashpee representing divers hardships and inconvenienceis they suffer by means of the English.

In the House of Representatives; Ordered That this Complaint be committed to the Gentlemen appointed to repair to Mashpee Marthas Vineyard and Nantucket, to consider thereon and make report. And that the Committee appointed to bring in amendment of the Laws for the better regulating the Indians defer the same till such Report be made.

In Council Read and Concurred."—*Council Records, vol. XXIV., p.* 51.

"Nov. 21, 1761. The Committee appointed the 18th of June last on the Complaint of Reuben Cognehue and others of Mashpee, Indians, made report according to Order. (Signed) Wm BRATTLE *pr* Order.

In Council Read and Accepted, And Ordered That the honorable Thomas Hutchinson Esqr with such as the honorable House shall join be a Committee to bring in a Bill for the purposes therein mentioned.

Sent down for Concurrence."—*Ibid., p.* 125.

"Nov. 27, 1761. Here follows the Report at large made by the Committee appointed 18th June last and referred to in the Entry of the 21st Instant respecting Mashpee Indians.

The Committee upon the Petition of the Mashpee Indians representing some Grievances they labour under, attended said Service, and heard the Parties upon the Spot on the twelfth and thirteenth days of August last; and beg leave to Report.

That Mashpee (which is about eight Miles in length, and between five and Six miles in Wedth, contains sixty three Wigwams and two hundred and thirty seven Indians) be erected into a District, said Indians to be vested with certain Priviledges; That the eight English Families with their Lands within the Bounds of Mashpee be excluded from being Part of said District; That said Indians be allowed and impowered to meet in the Month of March Annually, and at other times which the Trustees, Overseers or Selectmen of said District shall judge necessary; That they be impowered to chuse five Trustees Overseers, or Selectmen; two of them to be Englishmen of Note and Distinction; three of them to be Indians, Inhabitants in said Mashpee; said Choice not to be of any Validity if disallowed by the Governor and Council. That said Persons thus elected and confirmed to have the same Power in general, touching the poor and indigent Indians of said Mashpee, as the Overseers of the Poor have in other Districts; relative to the Poor therein: That they with the Consent of the Major part of the Indian Males there being twenty one years of Age or upwards living in said Place, at a meeting warned for that purpose, shall take into their hands for the sole use of the Poor and Indigent there, such of the Indians Land as are held in common and undivided, and them Lease for one Year Annually, as they may Judge will best answer the Purposes aforesaid.—That one of said Trustees shall be chosen Moderator of the Meetings; at which Meeting in March, the Major part of the Inhabitants convened shall chuse a Clerk of said District annually; and such other District Officers known in Law, as said Trustees may judge necessary; and upon their Death or Removal others may be chosen at any time afterwards. And that said Trustees be fully Authorized finally to hear and determine all Disputes which may arise amongst said Indians respecting their Lands, Meadows, Woods and Fishing, or that may in any wise relate to the same; and that they take particular care to regulate the Fishery in said Mashpee, so as may be most satisfactory and beneficial to the Indians, in such manner as to them, or the Major part of them, the two English Overseers being present, they shall judge will best conduce to the good of the whole: That they be alike impowered to proportion to every Proprietor living there his Share in all Lands, Meadows Wood and all Realties said Indians there hold as Tenants in common as said Trustees may Judge he can improve to Advantage, That every of said Indians be prevented from Leasing such Lands as they hold in Severalty, or shall be allotted to them.

And all such Indians as shall neglect to improve their Lands, the same said Trustees shall have Power to enter upon and Lease for a Term not exceeding one Year; the Profits thereof to be improved for the sole use and benefit of said Indian or his Family, And the said Trustees, together with the Reverend Mr Hawley the present Pastor of the Church there, and his successors being Englishmen, chosen and appointed by the Commissioners for propagating the Gospel in America, and the Parts adjacent, and they only to approbate in Writing under their hands every Indenture binding out any of the Children of the Mashpee Indians; and that every Indenture not approved of by them shall be null and void.

The Committee beg leave further to offer as their opinion, That said Indians have

Greatly suffered being largely credited, and prosecuted for Debt; in consequence thereof they have been distressed, their Children bound out as a Colateral Security for the Payment thereof: That therefore none of said Indians be credited, and that every Action brought against them, or any of them, shall be barred, in the case of Sickness only excepted; and in that the Court shall allow no more than shall be allowed by said Overseers or Trustees, or the Major part of them, upon the Accounts being first Audited by them, who shall be impowered to audit and examine the same:—That said Trustees, or the Major part of them, and they only, be fully authorized and impowered to determine all petty Quarrels, Contentions, Breaches of the Peace, which by Law are determinable by a Justice of the Peace, that may arise or be done by or amongst said Indians.—And that with the Consent of said Trustees or Selectmen, said Indians living at Mashpee, at a Meeting legally called for that Purpose, or the Major part of them, shall have full Power to Vote and receive any other Indians or Mollatto's into their District, to share with them in their Priviledges, and in their Common and Undivided Lands, in such Proportion as they shall think proper; Provided the same be presented to the Commissioners of the Society for propagating the Gospel in America &c[a] and consented to by them. And if any of said Indians thus admitted should remove from any Lands belonging to them, the said Commissioners be fully impowered to let out the same for a Term of Years, as they shall judge best, the Profits thereof to be improved for the use of the Mashpee Tribe of which said Indians will then be a Part.

That no White Man, upon any Pretence whatsoever, except such as may be sent by said Commissioners as Ministers or School Masters to said Indians, be allowed to inhabit or live upon any of the Indian Lands at Mashpee.—And that every white Man excepting as before is excepted, who shall presume to dwell upon said Lands in Mashpee shall be deemed a Trespasser. And said Selectmen, Trustees or Overseers shall have good Right, full Power and lawful Authority, and be enjoined to prosecute all such Trespassers to final Judgment and Execution.

Lastly. That the Lines between Mashpee and the adjoining Towns, which have not been run this twenty six Years be perambulated by such Persons on the part of the Indians, not living in either of the adjoining Towns, as the Wisdom of this Court shall appoint; and that the adjoining Towns be ordered to perambulate accordingly.

The foregoing Proposals, if accepted; Your Committee are fully convinced will settle the Indians there in great Peace, will greatly increase their Numbers and reform their Manners; and is what We humbly apprehend ought to be done for them. And that without it, we fear much Trouble will be given to the Court Annually, or elsewhere.

All which is humbly Submitted

(Signed) Wm BRATTLE by order."—*Ibid.*, *p.* 157.

"Jan. 30, 1762. Thomas Hubbard, Esq.[r] from the Board went down to the House of Representatives with a Message to enquire if the House had acted upon the Report of the Committee upon the Affairs of the Mashpee and Nantuckett Indians.

M[r] Cushing from the House came up with a Message to the Board to acquaint them that the House have not acted upon those Affairs, but have assigned next Tuesday morning for them."—*Ibid.*, *p.* 218.

"Feb. 1. 1763. The Secretary from the Board delivered a Message to the House of Representatives, desiring that they would send up the Report of a Committee of both Houses last Year relative to the Mashpee Indians—

M[r] Sargeant from the House came up to the Board with the forementioned Report."—*Ibid.*, *p.* 543.

"Feb. 21, 1763. Upon the Report of a Committee on the Petition of the Mashpee Indians as entered 21st November 1761. In Council Ordered That this Report be revived and that M[r] Hawley the Missionary to the Mashpee Indians be notified that this Affair will be considered on the first Thursday of the next Sitting of this Court, when he with Two of the principal Men of the Tribe may be heared (if they see cause).

In the House of Representatives Read and Concurred."—*Ibid.*, *p.* 599.

"May 27, 1763. William Brattle Esq[r] delivered also a Message from the Board to the House of Representatives, acquainting them that there was now a hearing before the Board respecting the Mashpee Indians; and that as the Board apprehended that some of the Members of that House are capable of giving some information in that Affair, they desire that Thomas Foster, Daniel Howard and Tho[s] Smith Esq[rs] might attend the Board; who came up accordingly, and the Board proceeded to the hearing."—*Ibid.*, *vol.* XXV., *p.* 8.

"May 30, 1763. In Council Ordered that William Brattle and James Otis Esq[rs] with Such as the hon[ble] House shall join be a Committee to bring in a Bill for the better regulation of the Mashpee Indians, and that the Report of a Committee dated 3 Oct[r] 1761. appointed in consequence of a Petition of the Mashpee Indians be referred to this Committee for their Consideration, and the better forming their Judgment in the drafting of the Said Bill— In the House of Representatives Read and concurred and M[r] Hewins, M[r] Crocker, and D[r] Smith are joined in the Affair."—*Ibid.*, *p.* 10.

"May 31, 1763. A Petition of Solomon Bryant, Jos[r] Richards and Ruben Cognehue of Mashpee Indians: Praying An Allowance of the Expence of their Journey to Boston in consequence of an Order of the General Court of the 15[th] of February last. In the House of Representatives Read and Ordered That the Prayer of the Petition be granted: And that the sum of Three Pounds twelve shillings and Eight pence be Allowed out of the Publick Treasury to the Petitioner in Order to defrey the Expences within mentioned. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 17.

"June 15, 1763. In the House of Representatives On a Motion made and Seconded Resolved That the Gentlemen appointed to repair to the Island of Chapaquidic on Martha's Vineyard be directed to ascertain the boundary Lines between the Towns of Barnstable, Sandwich and Falmouth adjoining upon the District of Mashpee. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 74.

"June 15, 1763. The following Gentlemen were Nominated by his Excellency the Governor Commissioners to take care of the Mashpee Indians pursuant to a Law made and passed by the General Court this Session for Incorporating said Indians, Viz^{t} Thomas Smith Esq^{r} Isaac Hinckley Esq^{r} The Rev^{d} M^{r} Gideon Hawley to which Nominations his Majesty's Council did Advise and Consent."—*Executive Records of the Council*, *vol.* 5, *p.* 261.

"In considering the Laws passed in 1763, we could not avoid taking notice of that for incorporating the Mashpee Indians which in general appears to us to be a reasonable Law, and will we hope operate to prevent any further complaints of these Indians concerning their Lands. But we see no reason for not extending to this Indian Settlement the same powers and privileges vested by Law in other Districts."—*Lords of Trade to Gov. Bernard, July* 13, 1764: "*Mass. Bay, B.T.*," *vol.* 86, *p.* 171, *in Public-Record Office.*

Chap. 4. "Oct. 20, 1764. A Petition of Joseph Doane of Chatham—Setting forth, That he hath for many years last past kept a Public House of Entertainment at Chatham aforesaid, which hath been of great benefit to the Fishery; but that it so happened the Petitioner was absent on a Whaling Voyage at the last License Term for the County of Barnstable, and was thereby prevented making Application to have his License then renewed. And praying that the Court of General Sessions of the Peace for the County of Barnstable at their next term be enabled to grant him a License for the purpose aforesaid.

In the House of Representatives Read and Ordered That the Justices of the General Sessions of the Peace for the County of Barnstable be allowed (if they see cause) at their next December Term to grant the Petitioner a License to keep a House of Public Entertainment, He first obtaining the approbation of the Selectmen of said Town for that Service, the time for granting Licenses being elapsed notwithstanding.

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXV., p.* 286.

Chap. 10. "June 15, 1762. A Petition of Joseph Williams Esq^{r} Setting forth That He with divers other Proprietors of Gardners Canada Township have been at great expence in bringing forward their Settlements, building a Meeting House and settling a Minister, notwithstanding which the General Court was pleased the last year to impose a tax upon them in common with the delinquent Proprietors, And Praying that they may be relieved either by having the said Tax wholly abated or by having it laid on the delinquent Proprietors only.—

In the House of Representatives; Read and Ordered That the consideration of this Petition be referred 'till the next Sitting of this Court; and that the Petitioners Print the substance thereof in one of the Boston News Papers three weeks successively; that so the delinquent Proprietors may shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted so far as it respects them. And that the Assessments upon the within mentioned Plantation be suspended in the mean time—

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIV., p.* 445.

"Sept. 17, 1762. A Petition of Joseph Williams Esq^{r} in behalf of the Proprietors of the Township called Gardners Canada, Praying relief with respect to their Taxes, as entered 14 June last and referred.

In the House of Representatives Read again and Ordered That the further consideration of this Petition be referred till the second Wednesday of the next Session of this Court, and all Assessments imposed by the Province and County are suspended in the mean time.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 479.

"June 14, 1762. A Petition of Eldad Taylor Esq^{r} in behalf of the Inhabitants of the Township Number 4, in the County of Berkshire—Setting forth That there hath been by Law assessed upon the said Inhabitants the sum of £55.6.3. which amounts to 21½^{d} on the pound besides what the Polls Pay, which is a burden they cannot support under considering that they had been there but little more than four Years when the Tax was laid, during which time they have been a great part employed in making and cleaning Roads not only through their own Town, but through the Country to Blanford, that they have also built a Meeting House and settled a Minister altho they consist but of Thirty one Families and forty four Polls, And Praying Relief In the House of Representatives Read and Ordered That the consideration of this Petition be referred 'till the next Sitting of this Court, and that the Petitioner print the Substance thereof in one of the Boston News Papers three Weeks successively, that so the delinquent Proprietors may shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted so far as it respects them, And that the Assessments upon the within mentioned Plantation be suspended in the mean time.

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXIV., p.* 440.

"Sept. 17, 1762. A Petition of Eldad Taylor Esq^{r} in behalf of the Inhabitants of Township N^{o} 4, Praying relief with respect to their Taxes, as entered 14 June last, and referred.

In the House of Representatives; Read again and Ordered that the further consideration of this Petition be referred till the second Wednesday of the next Sitting of this Court, and all assessments imposed by the Province and County are suspended in the mean time—

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 479.

"Jan. 29, 1763. Eldad Taylor Esq^{r} from the House of Representatives came up with a Message to desire that a Petition from the Township called N^{o} 4 may be sent down to the House—Gamaliel Bradford Esq^{r} from the Board went down to the House with the said Petition."—*Ibid.*, *p.* 552.

"Feb. 16, 1763. Upon the Petitions of Joseph Williams Esq^{r} in behalf of the Proprietors of Gardner's Canada and of Eldad Taylor Esq^{r} in behalf of the Inhabitants of N^{o} 4 as entered the 17: Septem^{r} 1762, the following resolve passed viz^{t}

In the House of Representatives Resolved That the Prayer of the Pet^{ners} for N^{o} 4, in the County of Berkshire and of Roxbury Canada in the County of Hampshire be granted; and that the Province Taxes laid thereon in the Year 1761 and 1762, amounting in the whole to the sum of One hundred and eighty four pounds, seven shillings and six pence be taken off, and laid on the Towns of Springfield, Northampton, Hatfield, Westfield, Deerfield Brimfield and Greenfield in their Province Tax for the Year 1763, in the following manner and proportion viz^{t} on Greenfield the sum of Four pounds seven shillings and six pence; and on every of the other before mentioned Towns the sum of Thirty pounds each making in the whole the said sum first above mentioned: And also for the future there be added to the said Towns of Springfield, Northampton, Hatfield, Westfield, Deerfield & Brimfield four shillings each to a thousand pounds Province Tax; and to the Town of Greenfield seven pence to the thousand pounds (being part of their proportion set by the Committee of this Court for settling the valuation in the Year 1761) and to be continued from Year to Year until the further order of this Court. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 592.

"Feb. 15, 1763. In the House of Representatives; Ordered That the Expence of the Committee appointed by the General Court in February 1762 to run out and fix the Bounds of nine Townships in the Counties of York and Cumberland, the ballance of whose Accounts amounting to the sum of One hundred and fourteen pounds 11/11. Signed by Richard Cutt be paid as follows

Falmouth	£16.7.5	Gorham Town	£16.7.5
Scarborough	16.7.5	Pearson Town	16.7.5
Biddeford	8.7.5	Windham	16.7.5
Pepperrellborough	8	The Province	16.7.5
	49.2.3		65.9.8
			49.2.3
			114.11.11

Each of the above Towns to be Taxed for the same in the next Province Tax Act unless any of them shall pay their proportion as aforesaid into the Province Treasury before the issuing of said Tax; and that the whole sum be now paid out of the Province Treasury to said Richard Cutt Esq^{r} in full discharge of said Account, and by him to be paid to those to whom the same is respectively due. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 585.

"Feb. 21, 1763. A Petition of Woodbridge Brown of Abington in behalf of the said Town—Setting forth—That in March last the said Town of Abington chose one Abraham Beale a Constable, and he was sworn in accordingly but that his Business calling him in May following to go Eastward he agreed with one Nicholas Shaw to collect the Rates provided he might be legally impowered so to do—And Praying that he may be impowered accordingly—

In the House of Representatives; Resolved that the Prayer of this Petition be so far granted as that the Inhabitants of the Town of Abington at a Meeting legally warned be and hereby are fully authorized to accept of Nicholas Shaw as Constable (if they see fit) in the room of Abraham Beales chosen Constable in March last, who hath hired said Nicholas to serve in his stead, and to gather his proportion of the Publick Taxes in said Town, and upon his taking the Oath to said Office belonging shall be deemed and adjudged a Constable and Collector in the Law to all Intents and purposes—In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 601.

"June 13, 1763. In the House of Representatives. Inasmuch as the Town of Brimfield are taxed their full proportion of the Province Tax for the present year, as though the south part thereof were not set off a seperate District, and the said District being omitted in the said Province Tax.

Therefore Resolved that the Assessors of the said Town of Brimfield be, and they hereby are impowered and directed to apportion the same on the Inhabitants of said District their Just proportion of the same by the Rules of Law in the same manner as though the said District had not been made and erected into a seperate District; and the same Rule also shall be Observed with respect to the County Tax for the County of Hampshire for this present year. And the said Inhabitants are hereby enjoined to pay the same; and the Collector or Collectors of the said South Precinct are also hereby enjoined to observe and Obey such Warrant or Warrants as shall be directed to them from the Province Treasurer, and shall also in case of delinquency in collecting and Paying in either the Province or County Tax aforesaid be subject to Warrants of Distress as other Collectors of Province or County Taxes.

In Council Read and Concurred Consented to by the Governor."—*Ibid., vol. XXV., p.* 67.

"June 15, 1763. Upon the Petition of the Selectmen of Brimfield the following Order passed the Court viz^{t} In the House of Representatives. Whereas it has been represented to this Court that when the District of Brimfield was set off from the Town of Brimfield, the Inhabitants of said District were ordered to pay all the Taxes that were then assessed upon them: but it so happened that the Warrant for the County Tax for said Town of Brimfield was not receiv'd till after said District was set off, wereby it is out of the Power of said Town to assess said District their proportion of the County Tax.

Therefore Resolved that the District of South Brimfield pay the sum of Five pounds five shillings it being their proportion of the County Tax. And the Assessors of said District are hereby directed, Authorized and impowered to assess the Inhabitants for the same in the same manner as they would have been, had the County Tax been received before the said District was set off. And the Assessors of the said South Brimfield are hereby directed to give in their Certificate to the Treasurer of the said County of their having made such Assessment and to whom the same is committed to Collect &c. and when to be paid: and the said Assessment is hereby ordered to be made on or before the first day of September next, and the Constable or collector to whom the same shall be committed is hereby directed and impowered to collect and pay the same into the Treasurer of said County on or before the first day of December next. And the Treasurer of said County is hereby impowered to issue his Warrant or Warrants of distress against such Assessor or Constable or Collector in Case of delinquency respectively, as by Law is directed in Case of County Taxes; and the said Town of Brimfield are hereby released and discharged from the payment of the said Five pounds five shillings part of said County Tax.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 77.

"June 7, 1764. A Petition of John Brown Agent for the Town of Leicester and District of Spencer—Setting forth, That a Fine was laid upon them of fifteen pounds for not sending a Representative to Court the last Year: And as the said Town of Leicester was that Year at the expence of settling a Minister, and their Charge for repairing the Great Road was uncommonly great, Praying that the said Fine may be remitted. In the House of Representatives. Read and Ordered That the Prayer of the Petition be granted, and that the Petitioner be allowed to receive the Sum of Fifteen pounds out of the Publick Treasury for the use of said Town accordingly.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 237.

"June 8, 1764. A Petition of Nathaniel Kingsley Agent for the Plantation called N^{o} 4. Setting forth, That there are but 40 Polls in the said Plantation, that they have however exerted themselves so far as to settle a Minister among them; but being poor and as yet in their Infant State, They pray that the public Taxes assessed on them for the three last Years may be remitted.

In the House of Representatives. On the Petition of N^{o} 4. Resolved That the Taxes laid by the General Assembly on the said Plantation called N^{o} 4, in the Years 1761, 1762 and 1763 be and hereby are remitted to them, and that all Executions and Warrants of distress against the Inhabitants of the said Plantation or their Collector of Taxes for the same Taxes be, and hereby are wholly superseeded.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 242.

"June 12, 1764. A Petition of William Bacon and Others, Inhabitants of Kennebec River and parts adjacent—Setting forth, That they have settled in a Wilderness Country where they would have been unable even to have Subsisted themselves in the Winter Season without Assistance: that the Town of Pownalborough has taxed them, altho' none of them were Settled there when their Valuation was taken, nor any of them Settled within six miles thereof and many of them are from 12 to 20 miles distant.—And Praying Relief.

In the House of Representatives Read and Resolved That the Petitioners notify the Town of Pownalborough of the Contents of this Petition by leaving a Copy thereof with the Town Clerk, that the Town may make Answer to the same (if they see cause) the first Tuesday of the next Sitting of this Court, and that all proceedings with respect to the further taxing the Petitioners, as also of collecting the Taxes already assessed be stayed till the further * of this Court. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 256.

"Mar. 1, 1765. a Petition of a number of the Inhabitants on Kennebec River and places adjacent—praying to be freed from the taxation of the Town of Pownalborough as entered the 12th of June last.

In Council Read again and sent down, it appearing that the Town of Pownalborough had been duly notified.

In the House of Representatives, Resolved, That the prayer of this Petition be granted. And that the petitioners with their polls and Estates be exempted from paying any Taxes to the Town of Pownalborough. And the Taxes already assessed on them or their Estates are hereby declared void, and shall not be Collected.

And the assessors of said Town are hereby forbidden to assess or tax any person or persons that are Settled or may Settle upon Lands not within the bounds of said Town, 'till the further Order of this Court.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 443.

"June 15, 1764. A Petition of John Burk in behalf of Bernardston—Setting forth, That their Numbers are yet small, having only 31 Families, and 49 Poles; that the War has so retarded their Settlements that they have but 400 Acres of improved Land in said Town, and yet they have been taxed the three last Years, for two of which they have paid £58—and having now a Tax upon them for £19—which cannot be collected but by distress. And Praying that it may be abated.

* "Order" omitted.

In the House of Representatives; Ordered That the consideration of this Petition be referred to the next Session of the General Court and the Treasurer is hereby directed not to issue any Warrant for the enforcing payment thereof in the mean time.—

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 272.

"Mar. 1, 1765. a Petition of Joshua Henshaw Esq and others Inhabitants or proprietors of the plantation called Dorchester Canada—Setting forth, That in the year 1761 the General Court laid a Tax upon them of £44: 7: 6 and three yearly Taxes since. That the Lands in such a new plantation do not yield the produce as in those that are more cultivated, and are subjected to early and late Frosts, insomuch that the Inhabitants have not been able to raise one half of their Bread Corn, but are obliged to Travel to other places to purchase it. That they are besides subject to the ravages of wild beasts, whereby they lose more young Cattle Sheep and Swine than the value of any province Tax that could equitably be laid upon them. And praying Relief.

In the House of Representatives. Ordered that the consideration of the within petition be referred to the next May Session, and that the petitioners are directed to return a List of their polls and Estates to the Court at that Session.

In Council, Read and Concurred."—*Ibid., p.* 440.

"Mar. 5, 1765. a Petition of Samuel Smith Representative of the Town of Topsfield—Setting forth—That the General Court was pleased to lay a Fine of Ten pounds upon them for not sending a Representative to Court in the year 1763; that although Topsfield is an Antient Town it is one of the smallest in the County of Essex that they have usually sent a Representative, but that their Town charges were that year and the year following very great. And praying that the said Fine may be remitted.

In the House of Representatives. Read and Ordered that the prayer of this Petition be granted, and that the sum of Ten pounds be granted out of the public Treasury to the Petitioner for the use of said Town accordingly.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid., p.* 448.

"Oct. 29, 1765. A Petition of James Kerswell of Kittery—setting forth That in the year 1763 he was chosen Collector of Taxes for the first Parish in Kittery, and proceeded in collecting of the same but it so hapned that the warrant by which he acted was issued without a Seal and twelve or thirteen persons who are still in arrear do now refuse to pay him: And praying the interposition of this Court for relief.

In the House of Representatives. Resolved that the abovenamed James Karswell late a Collector of the first parish of Kittery in the County of York be and he hereby is authorized and impowered to compleat and finish his Collections of all such Sum and Sums of money as was duly assessed on the Polls and Estates within said Parish in the year 1763 and committed to him to collect; and pay in the same pursuant to his directions, any supposed defect in his warrant for want of a Seal or otherwise notwithstanding. In Council, Read and Concurred. Consented to by the Governor."—*Ibid., vol. XXVI., p.* 91.

Chap. 12. "Feb. 4, 1763. A Petition of John Choate Esq^{r} and Others, a Committee of the Court of General Sessions of the Peace for the County of Essex, Setting forth, That on the Decease of Daniel Appleton Esq^{r} late Register of the Court of Probate for said County it appearing that the Records of said Office were vacant from February 1727 to the year 1736, and from March 1762 to July or August the same year; but that the original papers are on file in the office tho not Recorded, and the said Daniel Appleton it is supposed has received the Fees for recording the same, And Praying the direction of this Court how they shall proceed in this Affair, and by what means money shall be raised for the bringing up of the said Records.

In the House of Representatives Read and Ordered That M^{r} Paine, Cap^{t} Livermore and Major Morey with such as the honorable Board shall join be a Committee to take this memorial under consideration and make report.

In Council Read and Concurred and William Brattle and James Otis Esq^{rs} are joined in the Affair."—*Council Records, vol. XXIV., p.* 549.

"Feb. 10, 1763. The Committee appointed the 4th Instant on the Petition of John Choate Esq^{r} & Others, Justices of the County of Essex made the following Report viz^{t}

The Committee to whom was referred this Petition have considered the same and report that the Administratrix on the Estate of Dan^{l} Appleton Esq^{r} deceased be served by the Petitioners with a copy of said Petition, that she may shew cause if any she hath why the Records of the Probate Office for the County of Essex from February 1727 to the Year 1736, and from March 1762 to July then next, now vacant by the representation of the Petitioners, be not brought up at the charge of the Estate of the said Dan^{l} and that the further consideration of this Petition be referred to the second Wednesday of the next Sitting of the General Court. In Council Read and Accepted In the House of Representatives Read and Concurred."—*Ibid., p.* 568.

"June 2, 1763. A Petition of John Choat Esq^{r} and Others, a Committee of the Court of General Sessions of the Peace for the County of Essex. Praying the interposition of this Court with regard to a deficiency in the records of the Court of Probate in said County as entred 4th February last.

In Council Read again and no answer being given in Ordered that William Brattle and John Choat Esq^{rs} with such as the Hon^{ble} House shall join be a Committee to prepare a Bill for providing a remedy in the case herein mentioned, and in other cases of a Similar nature.

In the House of Representatives Read and Concurred and Col^{o} Jones of Weston, Capt^{n} Howard and Col^{o} Clap are joined in the Affair."—*Ibid., vol. XXV., p.* 22.

Chap. 13. By General Amherst's returns it appears, that of the 3,220 men voted to be raised by Massachusetts, for the campaign of 1761, 2,637 actually took the field, of whom 591 remained in garrison during the winter and spring. For re-imbursing the expenses of the colonies in this campaign parliament was recommended to appropriate two-thirds of the previous annual grant, and, accordingly, the House of Commons voted, for that purpose, £133,333, 6s. 8d., in the same form of words used in the previous grants. (See Journals of the House of Commons, January 26, 1762.) Mr. Bollan, in his letter of February 12, 1762, informed the General Court of the passage of this vote, which was communicated to him by an intimate friend who was a member of the House.

On the 24th of November, 1763, Mr. Mauduit received, as the province's share of this grant, £42,774, 16s.—two-thirds in cash, and one-third in Exchequer bills. This had been settled by the Lords of the Treasury, in the previous month; and he had succeeded, at the same time, in obtaining a settlement of the claim for extra expenses in 1759, besides the province's share in what remained of the £10,000 retained to meet that claim. The whole sum awarded to Massachusetts, out of the £10,000, was £5,190, 12s. [See note to 1762-63, chap. 10, *ante*.]

Chap. 15. "Jan. 20, 1763. A Petition of Elisha Doane and Others a Committee of the North Precinct in Eastham, Setting forth, That the place for transacting the Town Affairs is ten miles distant from the Meeting House in the said North Parish, which makes it very difficult for them to attend the Town Meetings, And Praying that they may be erected into a seperate District.

In the House of Representatives; Read and Ordered That the Petrs serve the Town of Eastham with a copy of this Petition that so they shew cause (if any they have) on the second Wednesday of the next May Session why the Prayer thereof should not be granted. In Council Read and Concurred."—*Council Records, vol. XXIV., p.* 507.

"June 3, 1763. A Petition of the North Precinct in Eastham Praying to be erected into a District, as entered 20th Jany last. In the House of Representatives Read again together with the Answer of the Agent of Eastham. And Ordered that Colo Clap Docr Smith and Mr Foster of Plymouth with such as the Honble Board shall Appoint be a Committee to take this Petition and Answer under consideration and make report.

In Council Read and Concurred, and Gaml Bradford and James Otis Esqrs are joined in the Affair."—*Ibid., vol. XXV., p.* 25.

"June 7, 1763. A Petition of the North Precinct in Eastham praying to be made a District having been committed the 3d Instant the Committee reported as their opinion that the Prayer thereof be granted.

In Council Read and accepted and Ordered That the Petitioners have liberty to bring in a Bill accordingly.

In the House of Representatives Read & concurred."—*Ibid., p.* 37.

Chap. 17. "Jan. 21, 1764. In Council, it appearing to the Board that it may have a probable tendency to prevent the spreading of small pox in the Town of Boston, if General leave was given to such as are subject to that distemper to be Inoculated, at some convenient distance from the Town.

It is therefore Ordered that it shall and may be permitted any former Order or Law to the contrary notwithstanding, to so may* of the Inhabitants of the said Town as can and may be accomodated from time to time, to be Inoculated at Point Shirley they submitting to such Regulations, as to their being cleansed from Infection and as to the time and manner of their removal, as shall be thought necessary by the Governor with the Advise of the Council, for the Safety of the Inhabitants of the Province.

Sent down for Concurrence."—*Council Records, vol. XXV., p.* 142.

"Jan. 24, 1764. A Petition of Sundry Inhabitants of Boston with a Petition of Doctr Sylvester Gardner annexed, Praying leave for an innoculating Hospital.

In Council Read and Ordered That Israel Williams, James Otis and Nathaniel Ropes Esqrs with Such as the honble House shall join be a Committee to take this Petition under consideration and report.

In the House of Representatives Read and Concurred and Mr Trowbridge, Mr Tyler and Mr Otis and Mr Cushing of Boston are joined in the Affair."—*Ibid., p.* 150.

Chap. 19. "This Act differs from the former in the following particular; instead of 'excepting such goods as are the product or manufacture of Great Britain' as in the former Act at the end of the second section, it stands now 'excepting such Goods as are *imported from* Great Britain.' This alteration is for the advantage of the trade of Great Britain, as now all goods coming from Great Britain are exempt from these duties whether they are the product or Manufacture of Great Britain or not. And no disadvantage can arise from British product or Manufactures transported from other Colonies being subject to these Duties, as no such goods can be imported here to any purpose. If any goods are imported here as such, they must really be Foreign goods, made like to those of Britain; of which many kinds may be reckoned up, some of which will get in here as British goods, if they can find a passage to other Colonies.

There is also a small alteration of the oath in the 7th section: instead of 'sterling value' and 'than that value,' it now stands '*present* value' and 'than *the real* value' a difference quite immaterial.'—*Gov. Bernard to Lords of Trade; Mar.* 10, 1764: '*Mass. Bay, B.T.*,' *vol.* 78, *L. l.*, 69, *in Public-Record Office.*

* *Sic:* many.

"The first of these is an Annual Act of the Province and does appear to us to be in no other respect objectionable than as it directs a double Impost to be paid for all Goods in general imported by the Inhabitants of other Colonies, by which means it might so happen that Goods imported from Great Britain and coming thro' the Channel or intervention of other Colonies would be subjected to the payment of the duties of Impost as upon foreign Commodities.

If this Objection therefore seems to Your Majesty to have weight, We would humbly propose an Instruction to be given to Your Majesty's Governor of the said Province for procuring an amendment to be made in this particular Clause exempting from Duties of Impost all British Goods coming thro' the Channel of any of the other Provinces or Colonies on this Continent or of the British West India Islands, to which likewise it may be expedient to annex an exception in favour of all such foreign goods and merchandize as shall be imported from Great Britain either directly or thro' the intervention of other British Colonies, provided such Foreign Goods &c[a] have paid the Duties in Great Britain."—*Report of Lords of Trade, Apr.* 16, 1767: "*Plant*[s] *General, B.T.,*" *vol.* 42, *p.* 91, *in Public-Record Office.*

"Jan. 18, 1764. Pursuant to agreement the two Houses proceeded to the Choice of Civil Officers for the present Year, when James Russell Esq[r] was Chosen Commissioner of Impost by a Major part of the Council and House of Representatives. Consented to by the Governor."—*Council Records, vol. XXV., p.* 133.

See note to 1767-68, chapter 12, *post.*

Chap. 20. "June 10, 1763. A Petition of A number of the Inhabitants in and about that part of the Town of Newbury called the Waterside—Setting forth the extensiveness of the said Town which renders it very proper that it should be divided, and as the Inhabitants of one Part of said Town are mostly Farmers, and of the other principally Merchants, Tradesmen, and Sea faring Persons; and as the Intrests of said Parties are so different, and in some respects opposite, Praying that they may be divided and separated by such Bounds & Limits, as this Court shall think proper, and that they would appoint a Committee to determine the same.

In Council Read and Ordered that the Petitioners notify the Town of Newbury by Serving the Town Clerk with a Copy of this Petition, that they shew Cause (if any they have) on the second Tuesday of the next Sitting of this Court why the Prayer thereof should not be granted.

In the House of Representatives Read and concurred.

A Petition of a number of the Inhabitants of the Westerly Part of the Town of Newbury. Praying that in Consideration of the large extent of the Town and the disadvantages resulting therefrom they may be made a seperate District bounded as follows viz[t] from the Westerly end of said Town upon Merrimack River running to the Mouth of Artichoak River so called, and to run as that River runs to Rogers's Milldam and then to run such a Line as will comprehend the extents of the second and Fourth Parishes of said Town, or that they may be otherwise releived.

In Council Read and Ordered that the Petitioners notify the Town of Newbury, by serving the Town Clerk with a Copy of this Petition that they shew Cause (if any they have) on the second Tuesday of the next Sitting of this Court why the Prayer thereof should not be granted.

In the House of Representatives Read & Concurred.—*Council Records, vol. XXV., p.* 48.

"Jan. 3, 1764. The following Order passed on the Petition of Sundry Inhabitants of the Town of Newbury, Praying that the said Town may be divided, as entered 10[th] June viz[t]

In the House of Representatives; Read again together with the Answer of the Town of Newbury. And Ordered that M[r] Trowbridge, Judge Russell, Cap[t] Taylor of Southborough, M[r] Tyler and M[r] Brown of Salem with Such as the Honourable Board shall join be a Committee to consider the Petition and Answer, and other Papers accompanying the same, hear the parties and report what they Judge proper for this Court to do thereon.

In Council Read and Concurred and a Committee on the part of the Board is joined in the Affair."—*Ibid., p.* 114.

"Jan. 6, 1764. The Committee appointed the 3[d] Inst[t] on the Petition of Sundry Inhabitants of the Town of Newbury having made report the following Order passed thereon viz[t]

In Council read and Accepted. And Ordered that Benjamoin Lincoln and Nathaniel Ropes Esq[rs] with such as the hon[ble] House shall join be a Committee to repair to Newbury, view the situation and consider the circumstances of the Town, hear the Parties and report.

In the House of Representatives: Read and Concurred and Royall Tyler, Samuel Livermore and Ezra Taylor Esq[rs] are joined in the Affair."—*Ibid., p.* 117.

"Jan. 20, 1764. The Committee appointed the 6[th] Instant to repair to Newbury, view the situation and consider the circumstances of the Town in consequence of a Petition of a Number of the Inhabitants for a division of the said Town made report, whereupon the following passed viz[t]

In Council read and Accepted and Ordered That the same Committee bring in a Bill accordingly.

In the House of Representatives Read and Concurred."—*Ibid., p.* 140.

"At the end of the last Session *an Act passed* for dividing the *Town of Newbury* into two to be called Newbury and Newbury Port. It has been a constant rule with me in dividing old Towns to take care that the number of Representatives should not be increased. This has generally been done by providing that the two new Towns created out of one old Town should join in the election of Representa-

tives in the same manner as if they had not been separated, But in the present case for good reasons it was ordered otherwise: The old Town of Newbury had always sent two Members and as of the two New Towns the one was composed of Husbandmen and the other of Merchants and therefore their interests would be different, It was thought best that each should send one Member only, instead of both joining in sending two, And so it was enacted.

Nevertheless upon the new elections of the present Assembly, the Town of Newbury returned two Members, This was so barefaced a violation of the Law but just passed, that I thought I could not avoid taking notice of it. I accordingly directed the Commissrs appointed to administer the Oaths to the House not to swear the two Members for Newbury. This produced, as I expected it would, a remonstrance from the House by a Committee, complaining of a breach of priviledge for not leaving to them the judgment of the validity of the Elections of their own Members. I told them that I did not desire to impeach their priviledges, nor did imagine that I had done it in this instance, That the Act which gave the House the cognizance of the validity of election must be confined to matters that were doubtful or disputable in some degree, But where a return appeared upon the face of it to be contrary to law, it was no return and ought to be rejected in the first instance. That I was obliged to take notice of this by the practice of the house which was to postpone the consideration of the returns till after the first day, by which means all persons returned, tho' ever so illegally had a vote in the election of Councillors, And if the Governor could not reject returns that were illegal on the face of them and the House would not inquire into them before they entered upon business, it followed that any Number of pretended Members might be poured in to serve a particular purpose in the election of Councillors who would be content to be rejected after they had done the business they came for. If this was the Law, it was high time it should be animadverted upon. Upon which several Gentlemen present, who had been speakers in former Assemblies, declared that it was the old usage to examine the returns before they did any business and that the postponing it was a very late practice, And the Committee of the House all except one said that they believed that the House would, as soon as they were sworn, immediately proceed upon enquiring into this return. Upon which I told them that, in confidence that they would do so, I would withdraw my caution and let them proceed in their own way. Nevertheless the House upon debate postponed the consideration of this election and left the two Members of Newbury at liberty to vote for Councillors, altho' as I have been told, they did not actually vote. So that it is now established by formal precedent, that pretended Members, tho' their return be ever so notoriously illegal, will have the liberty to vote for Councillors, before their return is disallowed.

If the present method of constituting the middle Legislative Body is to be permanent, it will be proper that it should be secured from being abused as much as is possible. Its natural and constitutional imperfection which has been continually increasing, is enough: new and adventitious disadvantages need not be added. I must therefore desire your Lordship's directions how I am to act upon a future occasion of the like kind: for if a notion should prevail that all persons returned as Members whether legally or not, will have a vote for Councillors, before their right of sitting at all can be determined, It is obvious to me, that advantage will be taken of such a laxity in the Government to serve occasional purposes."—*Gov. Bernard to Lords of Trade, June* 29, 1764: "*Mass. Bay, B.T.*," *vol.* 79, *M.m.*, 5, *in Public-Record Office.*

Chap. 24. "May 31, 1762. A Petition of Konkopot and Others, Indians, Inhabitants of Stockbridge—Setting forth, That they are the Descendants of Indians who were the Ancient and Original Owners of & Inhabitants of the Lands lying in the Western parts of this Province, and that they are allowed by all the Indian Nations to * the right owners of the Lands in these parts as far as a River called by the English Westfield River, and that neither they nor their ancestors have been ever at War with the English, or disposed of the said Lands, That they have been always faithfull to the English and lost many brave Men in their Wars, yet the Government have granted away several large Tracts of their Lands, against which they have formerly remonstrated, but have never obtain'd redress altho' a Committee was sent to Stockbridge on that Affair, and another Committee was sent to meet the Indians upon it at Sheffield about Seven Years since, from whom they received assurances that they should be paid for their Lands, but nothing has been ever done upon it, and now they are informed that all their Lands in the Western parts of the Province are ordered by the Government to be sold; against which they must in Justice fo themselves and their posterity put in a Caveat altho' they are well Satisfied that some English Subjects who have made Agreements with them for some of their Lands should continue thereon, yet they hope that none of their Rights shall be forced from them; and pray that this Court would stay the Proceedings as to the Sale of their Lands, and that the Memorialists may be heard by some of themselves whom they have sent on that business viz[t] Captain Jacob Cheeksaunkun and Johannes Mtokksin.

In the House of Representatives Read and Ordered That the Petitioners be heard by Council upon the Subject matter of the within written Petition before the two Houses on Monday next at 3 o'Clock Afternoon. (29)

In Council (31[st]) Read and Concurred.

In Council (31) The Petitioners having been heard before the two Houses by Council in Support of their Petition Ordered That the hon[ble] Thomas Hutchinson Esq[r] William Brattle and Israel Williams Esq[rs] with such as the hon[ble] House shall

* *Sic:* "be" omitted.

join be a Committee to inquire further into the Indians Title to the Lands mentioned and Report.

In the House of Representatives; Read and Concurred and Mr Tyler, Mr Otis, Eldad Taylor Esqr and Colo Partridge are joined in the Affair." — *Council Records, vol. XXIV., p.* 387.

"June 1, 1762. The Committee appointed to consider the Petition of the Indians at Stockbridge made the following Report viz^{t} The Committee having considered the said Petition and the Arguments in support of it at a hearing before the Houses are humbly of opinion That there has not been sufficient Evidence offered to support the Indian Title to the Lands referred to in the said Petition, That the Indians have for many Years past laid claim to Lands in the Western parts of the Province, and when Grants have been made of Townships in that part of the Province, Gratuities have been frequently made to the Indians to prevent discontents and keep them quiet. That divers Persons have lately in an irregular manner made Purchases of the Indians and paid them large sums of money, which Purchases the Committee are of opinion ought not to be countenanced by the Government. The Committee are therefore of opinion that although in strict Justice nothing is due from the Government to the Indians, they not having shown any Title to the Lands in their Petition mentioned; yet inasmuch as Gratuities have been made to them in the like cases heretofore; and it may be of importance to the Public to keep the Indians quiet and in good temper that therefore a sum of money not exceeding One Thousand pounds be deposited in the hands of a Committee of this Court for the use of the said Indians to be applied as shall appear to the said Committee to be equitable, the said Indians before such application be made, relinquishing all Claim to any of the Lands of the Province to which they pretend a title. The Committee are further of opinion that the Committee of this Court appointed to make Sale of the Lands in the Western parts of the Province should proceed as ordered. In Council Read and sent down.

In the House of Representatives; Read and Ordered That this Report be accepted.—In Council Read and Concurred."—*Ibid., p.* 392.

"June 2, 1762. In the House of Representatives; Ordered That the sum of One Thousand pounds as mentioned in the Report of the Committee upon the Petition of the Stockbridge Indians be granted and paid out of the Public Treasury into the hands of a proper Committee hereafter to be chosen by this Court for the use of the said Stockbridge Indians to be applied as shall appear to such Committee to be equitable Provided That before the payment of said sum by the Treasurer he shall take bond from the same Committee conditioned for the faithful discharge of their Trust, and to be accountable to the satisfaction of the General Court for the same. Provided also that before the payment of said sum, the said Indians shall release all Claim to any of the Lands of the Province to which they pretend a Title, as also to any Lands which have been granted by the Province, Grants to themselves excepted. And that the Committee of this Court appointed to make Sale of the Lands in the Western parts of the Province proceed as ordered.

In Council Read and Concurred. Consented to by the Governor."—*Ibid., p.* 395.

"June 11, 1762. In the House of Representatives; Resolved That Eldad Taylor and Timothy Woodbridge Esqrs with such as the honorable Board shall join be a Committee to receive out of the Province Treasury the Gratuity ordered the Stockbridge Indians on the second of June Instant, and that the said sum be augmented to fifteen hundred pounds in the whole and be disposed of according to the directions of the order of this Court of the said 2d of June, and that any two of said Committee may receive the said money upon giving bond to the Treasurer for the same.—In Council Read and Concurred and John Ashley Esqr is joined in the Affair. Consented to by the Governor."—*Ibid., p.* 428.

"Feb. 1, 1763. The Secretary delivered to the two Houses respectively the following Message from his Excellency the Governor viz^{t} Gentlemen of the Council and Gentlemen of the House of Representatives

I hereby lay before you a Letter I have received from the Sachem of the Stockbridge Indians: and recommend to You to take their case into your consideration, and remove from them all cause of Complaint—

Province House FRA BERNARD.

January 31: 1763."—*Ibid., p.* 543.

"Feb. 17, 1763. Upon a Memorial of the Stockbridge Indians the following Order passed the Court viz^{t}

In the House of Representatives; Resolved That the sum of Two hundred pounds in addition to the sum of Fifteen hundred pounds granted by the General Court in June last, be given to the Stockbridge Indians, so as to make up the sum of Seventeen hundred agreeable to their Petition exhibited to General Court this present Session; which sum of Seventeen hundred pounds shall be paid to Timothy Woodbridge Esqr to be applyed by the said Timothy Woodbridge as shall appear to him to be equitable, Provided that before the payment of said sum, the said Timothy give bond to the Treasurer of this Province conditioned for the faithful discharge of his trust aforesaid; and to render a true Account of his disposition of the same to this Court, Provided also that before the payment of the said Sum to the said Indians, they shall release all Claims to any of the Lands of this Province (Grants to themselves excepted) And it is further Resolved That upon the said Indians accepting the said sum of Seventeen hundred pounds, and releasing as aforesaid; the present English Claimers of the lands called Yokum Town and Mount Ephraim, bounded Westerly on the Province line, Northerly in part on Pittsfield, and in part on Province Land so called, Easterly on Housatonic River and Southerly in part on Stockbridge North line and in part on the Ministers Grants and in part on unappropriated Lands, they the said Claimers giving Security to the Treas-

urer of the said Province for the payment of Six hundred and fifty pounds to be paid within one year without Interest, the same Claimers agreeable to a certain Platt of the said Lands called Yokum Town and Mount Ephraim as named in the same Platt of the said Lands (provided as is hereafter provided) now exhibited to this Court; they, their heirs and Assigns, so many of them as shall duly pay their full Quota of the said sum of Six hundred and fifty pounds according to the several quantities and parcels of the same Lands as delineated in said Plan, shall have and hold the same to them, their heirs and Assigns in severalty agreeable to the several Allotments in the same Plan, with their several names therein set down; the Public Lots in said Land to be to the uses as therein set down; that within the space of five Years from this time, there be fifty Settlers residing within the Limits of the said Yokum Town and Mount Ephraim, who shall each have a dwelling house of the following dimensions viz^{t} Twenty four feet in length and eighteen feet in wedth, and seven feet stud, and have Seven acres of Land well cleared and fenced, and brought to English Grass and ploughing and that the Settlers aforesaid shall have settled among themselves within the term aforesaid a learned Protestant Minister of the Gospel: Provided that the said Claimers under said Indian Title shall and do actually yield and pay to said Stockbridge Indians yearly the several Rents heretofore reserved by said Indians from said Claimers upon such Leases as they have received from said Indians for the term therein mentioned, unless s^{d} Claimers within one year from this day obtain from said Indians absolute Grants of said Lands in Fee for such considerations as they with the Advice and consent of Timothy Woodbridge Esq^{r} think proper, who is hereby impowered to see Justice done said Indians in said Sale.—

Resolved also That Whereas Samuel Brown jun^{r} has given Bond to the Government for the payment of the sum of Six hundred and fifty pounds in consideration of the said Lands of Yokum Town and Mount Ephraim, that in case any of the Grantees or Lessees of said Land should refuse or neglect to pay their proportionable part of the said Six hundred and fifty pounds to the Government agreeable to the order of this Court said Brown shall and may make Sale of the Lots and Rights of such Persons neglecting or refusing as aforesaid, Provided the said Plans do not interfere with any former Grants from this Province.—In Council Read and Concurred. Consented to by the Governor."—*Ibid., p.* 594.

"Feb. 22, 1763. In the House of Representatives; Ordered That the Deed from the Stockbridge Indians conveying sundry Tracts of Land to this Province be recorded in the Secretary's Office: and he is to cause the same to be recorded in the Registers Office for the Counties of Hampshire and Berkshire after that the said Deed to be returned into the Secretarys Office.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 603.

"June 15, 1763. Upon the Petition of Charles Goodrich in the name and behalf of the Grantees of a place called Yokum Town, the following order passed the two Houses viz^{t}

In the House of Representatives Resolved That the proprietors of the Township called Yoakumtown in the County of Berkshire who hold their Land in severalty be, and they hereby are vested with all the Powers & Priviledges that Proprietors of common & undivided Lands in New Townships in this Prov^{ce}: are Vested with by Law, and that Timothy Woodbridge Esq^{r} one of his Majesty's Justices of the Peace for said County be hereby impowered upon application to him made by five of the said proprietors to issue his warrant for the first meeting of the said Proprietors to transact such Matters and things as in such application shall be made, the said Justice in said Warrant to assign the time and place for said meeting. In Council Read and Concurred."—*Ibid., vol. XXV., p.* 78.

Chap. 28. "Dec. 23, 1763. In the House of Representatives Ordered That Cap^{t} Taylor, Major Hartwell and M^{r} Waldo with such as the honorable Board shall appoint, be a Committee to reduce into one Act all the Laws for the preservation of Deer and Moose.

In Council Read and Concurred and a Committee on the part of the Board was joined in the Affair."—*Council Records, vol. XXV., p.* 97.

Chap. 30. "June 3, 1763. A Petition of Amos Kimball and Ephraim Witney Agents for more than forty of the Inhabitants of the Westerly part of Lunenburgh. Praying That they may be set off from the said Town and erected into a separate District. In the House of Representatives Read and Ordered That M^{r} Wood Col^{o} Gerrish and Cap^{n} Lawrence with such as the hon^{ble} Board shall appoint be a Committee to consider this Petition and report. In Council Read and Nonconcurred." —*Council Records, vol. XXV., p.* 27.

Chap. 32. "This Act has been continued from time to time for several years, with occasional additions or omissions. It is now made as comprehensive and effectual as ever, at my desire, who have made myself acquainted from the Indians themselves, with the great abuses and dangerous mischiefs of the English trading with the Indians and hunting in their Territories; of which I gave the Assembly several proofs from recent facts.

At the end of this Act is a new Clause impowering the Governor with the advice of the Council to Grant Licences to persons to trade with the Indians. This was inserted at my desire that the Act might not seem to contradict his Majesty's late Proclamation. But there will be no occasion to make use of this Power until our Settlements in the Eastward are extended farther than they are at present or are like to be for some time. For all the Eastern Indians that communicate with this Province are so few, that the two public truckhouses at Fort Halifax & Fort Pow-

nall are more than enough to supply them with all they want. Nor would it be worth the while of this Government to support those truckhouses for the advantage of the trade only, which by no means pays its own expences; the preventing the mischiefs of the private Indian trade is by much the chief consideration of keeping up these truckhouses, And I am convinced that if a private Indian trade was to be generally allowed, it would be impossible to keep the Country in peace."—*Gov. Bernard to Lords of Trade, Mar.* 10, 1764: "*Mass. Bay, B.T.,*" *vol.* 78, *L.l.*, 69, *in Public-Record Office.*

"Oct. 23, 1764. A Memorial of Thomas Hubbard Esq^r Commissary General Setting forth, That in and by An Act of this Government made and passed in the 4^th^ year of his present Majesty's Reign for regulating the Indian Trade, provision was made that the Truckmasters be paid such Sum or Sums, as this Court shall judge reasonable; but that this Court have never yet determined what such Allowance should be. And praying that they would now determine thereon that so he may settle with the said Truckmasters accordingly.—

In the House of Representatives Read and Ordered That 5 ℔' Cent be allowed the several Truckmasters for all sums remitted to the Commissary General.

In Council Read and Concurred Consented to by the Governor."—*Council Records, vol. XXV., p.* 288.

ACTS,

PASSED 1764–65.

ACTS

Passed at the Session begun and held at Concord, on the Thirtieth day of May, A.D. 1764.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his excellency, Francis Bernard, Esquire, captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of this government. [*Passed June* 1.

Grant of £1,300 for the support of his majesty's governor.

CHAPTER 2.

AN ACT IN ADDITION TO AND EXPLANATION OF THE SEVERAL ACTS OF THIS PROVINCE, PROVIDING FOR THE SUPPORT AND MAINTENANCE OF THE POOR.

Whereas a doubt has arisen on an act passed in the fourth year of King William and Queen Mary, intit[*u*]led "An Act for regulating of townships, choice of town officers and setting forth their power," whether the justices of the peace, in the court of quarter sessions, have power to assess the relations of a poor person, within the degrees mentioned, for any cost[s] accrued before application to the court of sessions, or for any costs that one of the relations of a poor person may have been at, for the support of such poor persons before they are cast upon the town,—

Preamble. 1692-93, ch. 28. 1742-43, ch. 18.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the justices of the court of quarter sessions shall and hereby are enabled, from time to time, to assess the relations within the degrees mentioned in the aforesaid act of King William and Queen Mary, for any cost[s] or charges incurred by one relation of a poor person, for the support of such poor person before such poor person shall be so burthensome as to be cast upon the town; as, also, for any costs incurred by the maint[ai][*e*]nance of any poor person before application made to the sessions.

Quarter sessions to assess the relations for support of poor persons in certain cases.

Provided,—

[Sect. 2.] That no assessment shall be made in favour of any particular relation, or town, for any support for more than two years preceeding such application to the court of quarter sessions. [*Passed June* 12.

Proviso.

CHAPTER 3.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FIFTY THOUSAND POUNDS; ALSO, FOR APPORTIONING AND ASSESSING A TAX OF EIGHTEEN HUNDRED AND FORTY-NINE POUNDS TWO SHILLINGS AND SIXPENCE, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-THREE; ALSO, FOR ASSESSING THE TOWNS OF SUNDERLAND AND MONTAGUE THE SUM OF TWENTY-SIX POUNDS TWELVE SHILLINGS, BEING SO MUCH LAID UPON NEW SALEM, FOR THEIR PART OF THE CHARGE OF A REPRESENTATIVE SENT FROM SUNDERLAND, AFTER THEY WERE DISCHARGED FROM PAYING ANY SUM FOR THAT PURPOSE, WHICH SUM IS ORDERED BY THE GENERAL COURT TO BE ADDED TO SUNDERLAND AND MONTAGUE TAX THE PRESENT YEAR; ALSO, TO ASSESS THE TOWN OF LEXINGTON THE SUM OF FIFTY POUNDS SIXTEEN SHILLINGS AND ONE PENNY, TRANSFERRED TO SAID TOWN FROM THE TOWN OF LINCOLN, BEING SO MUCH WHICH THE TOWN OF LINCOLN HAS PAID, MORE THAN THEIR JUST PROPORTION, AND WHICH SHOULD HAVE BEEN LAID UPON THE TOWN OF LEXINGTON; ALSO, TO ASSESS THE TOWN OF BELCHERTOWN THE SUM OF SIX POUNDS TWO SHILLINGS AND NINEPENCE, BEING SO MUCH THAT THE TOWN OF GREENWICH WAS TAXED, THROUGH MISTAKE, MORE THAN THEIR PROPORTION, AND WHICH SHOULD HAVE BEEN LAID UPON BELCHERTOWN; ALL WHICH TAXES ARE TO BE OVER AND ABOVE THEIR PROPORTION OF WHAT IS LAID UPON SAID TOWNS; ALL WHICH SUMS AMOUNT TO FIFTY-ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE POUNDS SEVENTEEN SHILLINGS AND THREEPENCE.

WHEREAS the great and general court or assembly of this province, by an act made and passed at their session in May, one thousand seven
1760-61, ch. 8, § 4. hundred and sixty, agreed upon and ordered a tax of nine thousand and six hundred pounds; * and by another act, made and passed at their session in February, one thousand seven hundred and sixty-two,
1761-62, ch. 23, § 4. agreed upon and ordered a further tax of thirty thousand pounds; and by an act, made and passed at their session in April following, agreed
1761-62, ch. 50, § 4. upon and ordered a further tax of twenty thousand and three hundred pounds; and by another act, made and passed at their session in May, one thousand seven hundred and sixty-three, agreed upon and ordered
1763-64, ch. 16, § 4. a further tax of forty-one thousand and thirty-one pounds and four shillings; amounting in the whole to one hundred and eighty-seven thousand three hundred and thirty-one pounds and four shillings: *and whereas* by the acts aforesaid provision is made that the general court, at this present session, might apportion the same on the several towns, districts, parishes and places within this province, if they should think fit; yet inasmuch as such a heavy tax will be insupportable to the inhabitants of this province, under their present distressed circumstances, and as the parliament of Great Britain have been graciously pleased to make a grant to the colonies of one hundred and thirty-three thousand three hundred and sixty-three pounds six shillings and eightpence, to recompence them for their services and expences in the expedition for the year one thousand seven hundred and sixty-two; of which sum, this province's proportion, when drawn for by the province, or otherwise received into the treasury, with the tax of fifty thousand pounds, now agreed to be assessed and levied this year, together with the other provision now made therefor by this court, will be sufficient to redeem

* This should be ninety-six thousand pounds.

the government securities, with the interest thereon, that will become due in June next; wherefore for the ordering, directing and effectual drawing in the said sum of fifty-one thousand eight hundred and eighty-one pounds seventeen shillings and threepence, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That each town, district, parish or other place within this province be assessed and pay, as such town, district, parish and place's proportion of the sum of fifty-one thousand eight hundred and eighty-one pounds seventeen shillings and threepence, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Boston	£58 15*s.* 0*d.*	£5,646 9*s.* 2*d.*	Five thousand seven hundred and five pounds four shillings and twopence	£5,705 4*s.* 2*d.*
Roxbury	15 0 0	613 6 8	Six hundred and twenty-eight pounds six shillings and eightpence	628 6 8
Dorchester	15 0 0	379 6 8	Three hundred and ninety-four pounds six shillings and eightpence	394 6 8
Milton	12 0 0	252 1 8	Two hundred and sixty-four pounds one shilling and eightpence	264 1 8
Braintree	18 7 6	488 10 10	Five hundred and six pounds eighteen shillings and fourpence	506 18 4
Weymouth	16 5 0	246 0 10	Two hundred and sixty-two pounds five shillings and tenpence	262 5 10
Hingham	18 10 0	499 3 4	Five hundred and seventeen pounds thirteen shillings and fourpence	517 13 4
Dedham	17 15 0	430 0 0	Four hundred and forty-seven pounds fifteen shillings	447 15 0
Medfield	18 10 0	196 9 2	Two hundred and fourteen pounds nineteen shillings and twopence	214 19 2
Wrentham	19 0 0	378 15 0	Three hundred and ninety-seven pounds fifteen shillings	397 15 0
Brookline	0 0 0	169 4 4¾	One hundred and sixty-nine pounds four shillings and fourpence three farthings,	169 4 4¾
Needham	0 0 0	169 10 6	One hundred and sixty-nine pounds ten shillings and sixpence	169 10 6
Stoughton	16 5 0	337 5 10¾	Three hundred and fifty-three pounds ten shillings and tenpence three farthings,	353 10 10¾
Medway	17 15 0	138 10 10	One hundred and fifty-six pounds five shillings and tenpence	156 5 10
Bellingham	0 0 0	83 19 2	Eighty-three pounds nineteen shillings and twopence	83 19 2
Hull	0 0 0	48 6 8	Forty-eight pounds six shillings and eightpence	48 6 8
Walpole	0 0 0	147 10 0	One hundred and forty-seven pounds ten shillings	147 10 0
Chelsea	0 5 0	133 19 2	One hundred and thirty-four pounds four shillings and twopence	134 4 2
	£243 7*s.* 6*d.*	£10,358 9*s.* 11½*d.*		£10,601 17*s.* 5½*d.*

IN THE COUNTY OF ESSEX.

Salem	£14 0*s.* 0*d.*	£934 15*s.* 10*d.*	Nine hundred and forty-eight pounds fifteen shillings and tenpence	£948 15*s.* 10*d.*
Danvers	18 10 0	413 10 10	Four hundred and thirty-two pounds and tenpence	432 0 10
Ipswich	6 10 0	925 16 8	Nine hundred and thirty-two pounds six shillings and eightpence	932 6 8
Newbury	22 13 11	764 6 2	Seven hundred and eighty-seven pounds and one penny	787 0 1
Newburyport	15 6 1	514 17 2	Five hundred and thirty pounds three shillings and threepence	530 3 3
Marblehead	8 10 0	821 13 4	Eight hundred and thirty pounds three shillings and fourpence	830 3 4
Lynn	11 10 0	397 18 4	Four hundred and nine pounds eight shillings and fourpence	409 8 4
Andover	17 5 0	629 7 6	Six hundred and forty-six pounds twelve shillings and sixpence	646 12 6
Beverly	18 15 0	391 13 4	Four hundred and ten pounds eight shillings and fourpence	410 8 4
Rowley	18 15 0	387 5 10	Four hundred and six pounds and tenpence	406 0 10
Salisbury	10 15 0	300 4 2	Three hundred and ten pounds nineteen shillings and twopence	310 19 2

Haverhill	19	10	0	480	16	8	Five hundred pounds six shillings and eightpence	500	6	8
Glocester	10	5	0	602	14	2	Six hundred and twelve pounds nineteen shillings and twopence	612	19	2
Topsfield	0	0	0	169	7	6	One hundred and sixty-nine pounds seven shillings and sixpence	169	7	6
Boxford	18	10	0	203	6	8	Two hundred and twenty-one pounds sixteen shillings and eightpence	221	16	8
Almsbury	19	10	0	306	5	0	Three hundred and twenty-five pounds fifteen shillings	325	15	0
Bradford	18	5	0	226	0	10	Two hundred and forty-four pounds five shillings and tenpence	244	5	10
Wenham	0	0	0	124	15	10	One hundred and twenty-four pounds fifteen shillings and tenpence	124	15	10
Middleton	0	0	0	145	0	0	One hundred and forty-five pounds	145	0	0
Manchester	0	0	0	106	0	10	One hundred and six pounds and tenpence	106	0	10
Methuen	0	0	0	163	10	10	One hundred and sixty-three pounds ten shillings and tenpence	163	10	10
	£248	10*s.*	0*d.*	£9,009	7*s.*	6*d.*		£9,257	17*s.*	6*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge	£28	15*s.*	0*d.*	£452	1*s.*	8*d.*	Four hundred and eighty pounds sixteen shillings and eightpence	£480	16*s.*	8*d.*
Charlestown	15	0	0	442	14	2	Four hundred and fifty-seven pounds fourteen shillings and twopence	457	14	2
Watertown	18	0	0	181	17	6	One hundred and ninety-nine pounds seventeen shillings and sixpence	199	17	6
Woburn	18	0	0	326	5	0	Three hundred and forty-four pounds five shillings	344	5	0
Concord	18	10	0	299	15	10	Three hundred and eighteen pounds five shillings and tenpence	318	5	10
Newton	18	0	0	309	3	4	Three hundred and twenty-seven pounds three shillings and fourpence	327	3	4
Sudbury	18	0	0	370	12	6	Three hundred and eighty-eight pounds twelve shillings and sixpence	388	12	6
Marlborough	19	0	0	367	18	4	Three hundred and eighty-six pounds eighteen shillings and fourpence	386	18	4
Billerica	18	0	0	245	0	0	Two hundred and sixty-three pounds.	263	0	0
Framingham	19	0	0	281	17	6	Three hundred pounds seventeen shillings and sixpence	300	17	6
Lexington	17	10	0	255	3	7	Two hundred and seventy-two pounds thirteen shillings and sevenpence	272	13	7
Chelmsford	18	10	0	211	5	0	Two hundred and twenty-nine pounds fifteen shillings	229	15	0
Sherburne	14	5	0	132	10	0	One hundred and forty-six pounds fifteen shillings	146	15	0
Reading	18	0	0	327	18	4	Three hundred and forty-five pounds eighteen shillings and fourpence	345	18	4
Malden	15	0	0	178	15	0	One hundred and ninety-three pounds fifteen shillings	193	15	0
Weston	18	10	0	182	10	0	Two hundred and one pounds	201	0	0
Medford	15	0	0	211	17	6	Two hundred and twenty-six pounds seventeen shillings and sixpence	226	17	6
Littleton	0	0	0	160	8	4	One hundred and sixty pounds eight shillings and fourpence	160	8	4
Hopkinston	19	0	0	164	3	4	One hundred and eighty-three pounds three shillings and fourpence	183	3	4
Westford	0	0	0	192	5	10	One hundred and ninety-two pounds five shillings and tenpence	192	5	10
Shirley	2	17	0	57	10	0	Sixty pounds seven shillings	60	7	0
Waltham	18	0	0	169	7	6	One hundred and eighty-seven pounds seven shillings and sixpence	187	7	6
Townshend	0	0	0	80	8	4	Eighty pounds eight shillings and fourpence	80	8	4
Stow	18	5	0	145	0	0	One hundred and sixty-three pounds five shillings	163	5	0

IN THE COUNTY OF MIDDLESEX—*Continued.*

	REPRESENTATIVES' PAY.			PROVINCE TAX.			SUM TOTAL.			
Stoneham	£0	0*s.*	0*d.*	£74	3*s.*	4*d.*	Seventy-four pounds three shillings and fourpence	£74	3*s.*	4*d.*
Groton	11	18	0	247	1	8	Two hundred and fifty-eight pounds nineteen shillings and eightpence	258	19	8
Wilmington	0	0	0	128	6	8	One hundred and twenty-eight pounds six shillings and eightpence	128	6	8
Natick	0	0	0	72	11	2	Seventy-two pounds eleven shillings and twopence	72	11	2
Dracut	0	0	0	109	7	6	One hundred and nine pounds seven shillings and sixpence	109	7	6
Bedford	0	0	0	96	5	0	Ninety-six pounds five shillings	96	5	0
Holliston	0	0	0	124	3	4	One hundred and twenty-four pounds three shillings and fourpence	124	3	4
Tewksbury	0	0	0	137	1	8	One hundred and thirty-seven pounds one shilling and eightpence	137	1	8
Acton	0	0	0	115	8	4	One hundred and fifteen pounds eight shillings and fourpence	115	8	4
Dunstable	0	0	0	116	5	0	One hundred and sixteen pounds five shillings	116	5	0
Pepperrell	4	15	0	91	13	4	Ninety-six pounds eight shillings and fourpence	96	8	4
Lincoln	17	5	0	74	3	11	Ninety-one pounds eight shillings and elevenpence	91	8	11
	£399	0*s.*	0*d.*	£7,132	19*s.*	6*d.*		£7,531	19*s.*	6*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield	£21	2*s.*	4*d.*	£549	2*s.*	3*d.*	Five hundred and seventy pounds four shillings and sevenpence	£570	4*s.*	7*d.*
Northampton	13	10	0	284	8	1¼	Two hundred and ninety-seven pounds eighteen shillings and a penny farthing,	297	18	1¼
Southampton	4	0	0	66	13	4	Seventy pounds thirteen shillings and fourpence	70	13	4
Hadley	5	7	0	129	7	6	One hundred and thirty-four pounds fourteen shillings and sixpence	134	14	6
South Hadley	5	18	0	136	0	10	One hundred and forty-one pounds eighteen shillings and tenpence	141	18	10
Amherst	3	0	0	92	7	11	Ninety-five pounds seven shillings and elevenpence	95	7	11
Hatfield	10	0	0	189	8	3½	One hundred and ninety-nine pounds eight shillings and threepence halfpenny	199	8	3½
Westfield	18	10	0	220	13	1¼	Two hundred and thirty-nine pounds three shillings and a penny farthing	239	3	1¼
Deerfield	14	6	6	130	16	7¾	One hundred and forty-five pounds three shillings and a penny three farthings,	145	3	1¾
Greenfield	5	3	6	48	14	9¾	Fifty-three pounds eighteen shillings and threepence farthing	53	18	3¾
Sunderland	10	4	2	93	2	5	One hundred and three pounds six shillings and sevenpence	103	6	7
Montague	7	15	10	70	9	2	Seventy-eight pounds five shillings	78	5	0
Northfield	0	0	0	79	7	6	Seventy-nine pounds seven shillings and sixpence	79	7	6
Brimfield	8	1	2	126	0	0½	One hundred and thirty-four pounds one shilling and twopence halfpenny	134	1	2½
South Brimfield	4	18	10	77	3	1	Eighty-two pounds one shilling and elevenpence	82	1	11
Monson	5	5	0	47	8	4¾	Fifty-two pounds thirteen shillings and fourpence three farthings	52	13	4¾
Pelham	0	0	0	93	15	0	Ninety-three pounds fifteen shillings	93	15	0

Greenwich	0	0	0	72	18	4	Seventy-two pounds eighteen shillings and fourpence	72	18	4
Blanford	0	0	0	61	9	2	Sixty-one pounds nine shillings and twopence	61	9	2
Palmer	0	0	0	93	19	2	Ninety-three pounds nineteen shillings and twopence	93	19	2
Granville	0	0	0	110	16	8	One hundred and ten pounds sixteen shillings and eightpence	110	16	8
New Salem	0	0	0	65	12	6	Sixty-five pounds twelve shillings and sixpence	65	12	6
Belchertown	0	0	0	62	3	7	Sixty-two pounds three shillings and sevenpence	62	3	7
Colrain	0	0	0	39	7	6	Thirty-nine pounds seven shillings and sixpence	39	7	6
Ware	0	0	0	24	11	8	Twenty-four pounds eleven shillings and eightpence	24	11	8
Enfield	0	0	0	214	8	5½	Two hundred and fourteen pounds eight shillings and fivepence halfpenny	214	8	5½
Somers	0	0	0	168	19	5½	One hundred and sixty-eight pounds nineteen shillings and fivepence halfpenny	168	19	5½
Roxbury-Canada	0	0	0	0	0	0	– – – – – –	0	0	0
Bernardtown	0	0	0	19	11	8	Nineteen pounds eleven shillings and eightpence	19	11	8
Huntstown	0	0	0	12	3	0	Twelve pounds three shillings	12	3	0
Shutesbury	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
Suffield	0	0	0	351	0	2¼	Three hundred fifty-one pounds and twopence farthing	351	0	2¼
Willbraham	3	12	8	82	7	6½	Eighty-six pounds and twopence halfpenny	86	0	2½
	£140	15*s.*	0*d.*	£3,851	4*s.*	9*d.*		£3,991	19*s.*	9*d.*

IN THE COUNTY OF BERKSHIRE.

Sheffield	£9	10*s.*	0*d.*	£165	6*s.*	3*d.*	One hundred and seventy-four pounds sixteen shillings and threepence	£174	16*s.*	3*d.*
Great Barrington	5	5	0	95	0	3	One hundred pounds five shillings and threepence	100	5	3
Egremont	4	0	0	60	12	6	Sixty-four pounds twelve shillings and sixpence	64	12	6
Stockbridge	18	0	0	36	2	11	Fifty-four pounds two shillings and elevenpence	54	2	11
Pittsfield	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
New Marlboro'	0	0	0	56	7	1	Fifty-six pounds seven shillings and one penny	56	7	1
Tyringham	17	10	0	39	7	6	Fifty-six pounds seventeen shillings and sixpence	56	17	6
Sandistield	0	0	0	39	7	6	Thirty-nine pounds seven shillings and sixpence	39	7	6
Number Four	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
	£54	5*s.*	0*d.*	£565	19*s.*	0*d.*		£620	4*s.*	0*d.*

IN THE COUNTY OF WORCESTER.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Worcester	£16 0s. 0d.	£304 6s. 5½d.	Three hundred and twenty pounds six shillings and fivepence halfpenny	£320 6s. 5½d.
Lancaster	18 5 0	363 9 9½	Three hundred and eighty-one pounds fourteen shillings and ninepence halfpenny	381 14 9½
Mendon	0 0 0	292 1 8	Two hundred and ninety-two pounds one shilling and eightpence	292 1 8
Woodstock	0 0 0	409 1 6	Four hundred and nine pounds one shilling and sixpence	409 1 6
Brookfield	19 0 0	265 10 5	Two hundred and eighty-four pounds ten shillings and fivepence	284 10 5
Oxford	14 5 0	160 15 7½	One hundred and seventy-five pounds and sevenpence halfpenny	175 0 7½
Charlton	4 0 0	52 10 0	Fifty-six pounds ten shillings	56 10 0
Sutton	20 0 0	306 14 4½	Three hundred and twenty-six pounds fourteen shillings and fourpence halfpenny	326 14 4½
Rutland	11 17 9	218 10 3	Two hundred and thirty pounds eight shillings	230 8 0
Oakham	1 17 3	29 10 2	Thirty-one pounds seven shillings and fivepence	31 7 5
New Braintree	0 0 0	82 0 7½	Eighty-two pounds and sevenpence halfpenny	82 0 7½
District of Rutland,	3 10 0	98 13 11½	One hundred and two pounds three shillings and elevenpence halfpenny	102 3 11½
Leicester	0 0 0	182 18 4	One hundred and eighty-two pounds eighteen shillings and fourpence	182 18 4
District of Spencer,	0 0 0	89 2 3½	Eighty-nine pounds two shillings and threepence halfpenny	89 2 3½
Southborough	19 5 0	141 0 10	One hundred and sixty pounds five shillings and tenpence	160 5 10
Westborough	19 10 0	223 8 8¾	Two hundred and forty-two pounds eighteen shillings and eightpence three farthings	242 18 8¾
Shrewsbury	14 5 0	256 4 3¾	Two hundred and seventy pounds nine shillings and threepence three farthings,	270 9 3¾
Lunenburg	12 7 0	158 18 0	One hundred and seventy-one pounds five shillings	171 5 0
Uxbridge	0 0 0	185 14 7	One hundred and eighty-five pounds fourteen shillings and sevenpence	185 14 7
Harvard	0 0 0	167 10 0	One hundred and sixty-seven pounds ten shillings	167 10 0
Dudley	0 0 0	104 15 10	One hundred and four pounds fifteen shillings and tenpence	104 15 10
Bolton	14 15 0	159 9 7	One hundred and seventy-four pounds four shillings and sevenpence	174 4 7
Upton	0 0 0	70 6 3	Seventy pounds six shillings and threepence	70 6 3
Sturbridge	10 5 0	117 3 9	One hundred and twenty-seven pounds eight shillings and ninepence	127 8 9
Leominster	0 0 0	105 0 0	One hundred and five pounds	105 0 0
Hardwick	21 0 0	132 10 0	One hundred and fifty-three pounds ten shillings	153 10 0
Holden	0 0 0	75 0 0	Seventy-five pounds	75 0 0
Western	0 0 0	100 0 0	One hundred pounds	100 0 0
Douglass	0 0 0	49 4 4½	Forty-nine pounds four shillings and fourpence halfpenny	49 4 4½
Grafton	0 0 0	134 11 8	One hundred and thirty-four pounds eleven shillings and eightpence	134 11 8
Petersham	17 15 0	109 9 7	One hundred and twenty-seven pounds four shillings and sevenpence	127 4 7
Westminster	0 0 0	75 19 9½	Seventy-five pounds nineteen shillings and ninepence halfpenny	75 19 9½
Athol	0 0 0	39 7 6	Thirty-nine pounds seven shillings and sixpence	39 7 6

Templeton	0	0	0	24	11	8	Twenty-four pounds eleven shillings and eightpence	24	11	8
Princetown	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
Dorchester-Canada,	0	0	0	29	11	8	Twenty-nine pounds eleven shillings and eightpence	29	11	8
Ipswich-Canada	0	0	0	24	11	8	Twenty-four pounds eleven shillings and eightpence	24	11	8
Fitchbourg	2	18	0	37	2	10	Forty pounds and tenpence	40	0	10
	£240	15*s.*	0*d.*	£5,413	6*s.*	3*d.*		£5,654	1*s.*	3*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth	£18	5*s.*	0*d.*	£322	14*s.*	2*d.*	Three hundred and forty pounds nineteen shillings and twopence	£340	19*s.*	2*d.*
Scituate	19	12	6	527	14	2	Five hundred and forty-seven pounds six shillings and eightpence	547	6	8
Duxbury	18	10	0	178	10	10	One hundred and ninety-seven pounds and tenpence	197	0	10
Marshfield	19	5	0	240	16	8	Two hundred and sixty pounds one shilling and eightpence	260	1	8
Bridgwater	19	0	0	664	11	8	Six hundred and eighty-three pounds eleven shillings and eightpence	683	11	8
Middleborough	10	15	0	486	0	10	Four hundred ninety-six pounds fifteen shillings and tenpence	496	15	10
Rochester	11	15	0	301	11	3	Three hundred and thirteen pounds six shillings and threepence	313	6	3
Plympton	19	0	0	194	3	4	Two hundred and thirteen pounds three shillings and fourpence	213	3	4
Pembroke	18	5	0	233	19	2	Two hundred and fifty-two pounds four shillings and twopence	252	4	2
Kingston	0	0	0	136	5	0	One hundred and thirty-six pounds five shillings	136	5	0
Hanover	0	0	0	137	5	10	One hundred and thirty-seven pounds five shillings and tenpence	137	5	10
Abington	18	15	0	178	2	6	One hundred and ninety-six pounds seventeen shillings and sixpence	196	17	6
Halifax	0	0	0	96	11	3	Ninety-six pounds eleven shillings and threepence	96	11	3
Warham	0	0	0	63	2	6	Sixty-three pounds two shillings and sixpence	63	2	6
	£173	2*s.*	6*d.*	£3,761	9*s.*	2*d.*	Three thousand nine hundred and thirty-four pounds eleven shillings and eightpence	£3,934	11*s.*	8*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable	£21	0*s.*	0*d.*	£319	3*s.*	4*d.*	Three hundred and forty pounds three shillings and fourpence	£340	3*s.*	4*d.*
Yarmouth	18	15	0	248	10	10	Two hundred and sixty-seven pounds five shillings and tenpence	267	5	10
Sandwich	18	0	0	279	11	8	Two hundred and ninety-seven pounds eleven shillings and eightpence	297	11	8
Eastham	14	16	8	174	15	4	One hundred and eighty-nine pounds twelve shillings	189	12	0
Harwich	20	15	0	199	7	6	Two hundred and twenty pounds two shillings and sixpence	220	2	6
Chatham	0	0	0	141	8	1½	One hundred and forty-one pounds eight shillings and a penny halfpenny	141	8	1½
Truro	0	0	0	115	17	8½	One hundred and fifteen pounds seventeen shillings and eightpence halfpenny	115	17	8½
Falmouth	11	5	0	172	17	3½	One hundred and eighty-four pounds two shillings and threepence halfpenny	184	2	3½
Wellfleet	7	13	4	90	4	8	Ninety-seven pounds eighteen shillings	97	18	0
	£112	5*s.*	0*d.*	£1,741	16*s.*	5½*d.*	One thousand eight hund. & fifty-four pounds one shill. and fivepence halfpenny,	£1,854	1*s.*	5½*d.*

IN THE COUNTY OF BRISTOL.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Taunton	£16 5s. 0d.	£454 11s. 8d.	Four hundred and seventy pounds sixteen shillings and eightpence	£470 16s. 8d.
Rehoboth	19 0 0	532 18 4	Five hundred and fifty-one pounds eighteen shillings and fourpence	551 18 4
Swanzey with Shawamet	12 5 0	335 18 9	Three hundred and forty-eight pounds three shillings and ninepence	348 3 9
Dartmouth	7 15 0	858 3 6½	Eight hundred and sixty-five pounds eighteen shillings and sixpence halfpenny,	865 18 6½
Norton	17 0 0	305 17 8½	Three hundred and twenty-two pounds seventeen shillings and eightpence halfpenny	322 17 8½
Attleborough	14 15 0	283 19 2	Two hundred and ninety-eight pounds fourteen shillings and twopence	298 14 2
Dighton	3 17 6	196 17 6	Two hundred pounds fifteen shillings	200 15 0
Freetown	17 15 0	201 3 11½	Two hundred and eighteen pounds eighteen shillings and elevenpence halfpenny,	218 18 11½
Raynham	0 0 0	101 11 3	One hundred and one pounds eleven shillings and threepence	101 11 3
Easton	0 0 0	129 10 3	One hundred and twenty-nine pounds ten shillings and threepence	129 10 3
Berkley	0 0 0	111 17 6	One hundred and eleven pounds seventeen shillings and sixpence	111 17 6
	£108 12s. 6d.	£3,512 9s. 7½d.	Three thousand six hundr. and twenty-one pounds two shill. and a penny halfpenny	£3,621 2s. 1½d.

IN THE COUNTY OF YORK.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
York	£19 15s. 0d.	£458 10s. 10d.	Four hundred and seventy-eight pounds five shillings and tenpence	£478 5s. 10d.
Kittery	13 5 0	476 16 5½	Four hundred and ninety pounds one shilling and fivepence halfpenny	490 1 5½
Wells	18 5 0	242 10 0	Two hundred and sixty pounds fifteen shillings	260 15 0
Berwick	13 15 0	376 17 6	Three hundred and ninety pounds twelve shillings and sixpence	390 12 6
Arundell	0 0 0	124 12 8½	One hundred and twenty-four pounds twelve shillings and eightpence halfpenny,	124 12 8½
Biddeford	8 16 0	135 12 2	One hundred and forty-four pounds eight shillings and twopence	144 8 2
District of Pepperrellborough	5 14 0	94 3 8	Ninety-nine pounds seventeen shillings and eightpence	99 17 8
Narraganset Number One	0 0 0	29 11 8	Twenty-nine pounds eleven shillings and eightpence	29 11 8
	£79 10s. 0d.	£1,938 15s. 0d.	Two thousand and eighteen pounds five shillings	£2,018 5s. 0d.

IN THE COUNTY OF CUMBERLAND.

Falmouth	£24	0s.	0d.	£690	10s.	7½d.	Seven hundred and fourteen pounds ten shillings and sevenpence halfpenny	£714	10s.	7½d.
North Yarmouth	0	0	0	123	3	6½	One hundred and twenty-three pounds three shillings and sixpence halfpenny	123	3	6½
Scarborough	16	5	0	264	1	5½	Two hundred and eighty pounds six shillings and fivepence halfpenny	280	6	5½
Brunswick	0	0	0	109	13	9½	One hundred and nine pounds thirteen shillings and ninepence halfpenny	109	13	9½
Harpswell	0	0	0	82	11	0½	Eighty-two pounds eleven shillings and an halfpenny	82	11	0½
Gorhamtown	0	0	0	49	4	4½	Forty-nine pounds four shillings and fourpence halfpenny	49	4	4½
Windham	0	0	0	24	11	8	Twenty-four pounds eleven shillings and eightpence	24	11	8
Piersontown	0	0	0	0	0	0	– – – – – –	0	0	0
	£40	5s.	0d.	£1,343	16s.	6d.	Thirteen hundred and eighty-four pounds one shilling and sixpence	£1,384	1s.	6d.

IN THE COUNTY OF LINCOLN.

Pownallborough	£0	0s.	0d.	£94	10s.	8d.	Ninety-four pounds ten shillings and eightpence	£94	10s.	8d.
Georgetown	0	0	0	167	10	0	One hundred and sixty-seven pounds ten shillings	167	10	0
Newcastle	0	0	0	68	10	10	Sixty-eight pounds ten shillings and tenpence	68	10	10
Topsham	0	0	0	42	10	0	Forty-two pounds ten shillings	42	10	0
Woolwich	0	0	0	61	10	2	Sixty-one pounds ten shillings and twopence	61	10	2
	£0	0s.	0d.	£434	11s.	8d.	Four hundred and thirty-four pounds eleven shillings and eightpence	£434	11s.	8d.

IN THE COUNTY OF DUKES COUNTY.

Edgartown	£0	0s.	0d.	£135	0s.	0d.	One hundred and thirty-five pounds	£135	0s.	0d.
Chilmark	0	0	0	144	8	6½	One hundred forty-four pounds eight shillings and sixpence halfpenny	144	8	6½
Tisbury	0	0	0	98	2	6	Ninety-eight pounds two shillings and sixpence	98	2	6
	£0	0s.	0d.	£377	11s.	0½d.	Three hundred and seventy-seven pounds eleven shillings and an halfpenny	£377	11s.	0½d.

IN THE COUNTY OF NANTUCKET.

Sherburne	£8	15s.	0d.	£590	8s.	4d.	Five hundred and ninety-nine pounds three shillings and fourpence	£599	3s.	4d.

	REPRESENTATIVES' PAY.			PROVINCE TAX.			SUM TOTAL.			
Suffolk	£243	7*s.*	6*d.*	£10,358	9*s.*	11½*d.*	Ten thousand six hundred and one pounds seventeen shillings and fivepence halfpenny	£10,601	17*s.*	5½*d.*
Essex	248	10	0	9,009	7	6	Nine thousand two hundred and fifty-seven pounds seventeen shillings and sixpence	9,257	17	6
Middlesex	399	0	0	7,132	19	6	Seven thousand five hundred and thirty-one pounds nineteen shillings and sixpence	7,531	19	6
Hampshire	140	15	0	3,851	4	9	Three thousand nine hundred and ninety-one pounds nineteen shillings and ninepence	3,991	19	9
Berkshire	54	5	0	565	19	0	Six hundred and twenty pounds four shillings	620	4	0
Worcester	240	15	0	5,413	16	3	Five thousand six hundred and fifty-four pounds eleven shillings and threepence,	5,654	11	3
Plymouth	173	2	6	3,761	9	2	Three thousand nine hundred and thirty-four pounds eleven shillings and eightpence	3,934	11	8
Barnstable	112	5	0	1,741	16	5½	One thousand eight hundred and fifty-four pounds one shilling and fivepence halfpenny	1,854	1	5½
Bristol	108	12	6	3,512	9	7½	Three thousand six hundred and twenty-one pounds two shillings and one penny halfpenny	3,621	2	1½
York	79	10	0	1,938	15	0	Two thousand and eighteen pounds five shillings	2,018	5	0
Cumberland	40	5	0	1,343	16	6	One thousand three hundred and eighty-four pounds one shilling and sixpence	1,384	1	6
Lincoln	0	0	0	434	11	8	Four hundred and thirty-four pounds eleven shillings and eightpence	434	11	8
Dukes County	0	0	0	377	11	0½	Three hundred and seventy-seven pounds eleven shillings and one halfpenny	377	11	0½
Nantucket	8	15	0	590	8	4	Five hundred and ninety-nine pounds three shillings and fourpence	599	3	4
	£1,849	2*s.*	6*d.*	£50,032	14*s.*	9*d.*	Fifty-one thous. eight hundred and eighty-one pounds seventeen shillings and threepence	£51,881	17*s.*	3*d.*

And be it further enacted,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at six shillings and eightpence per poll, and proportionably in assessing the additional sum paid out of the treasury to the representatives, for their travel and attendance aforesaid (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls or estate, or abate part of what they are set at, as in their prudence they shall think fit and judge meet. Rules for assessment.

[Sect. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to their province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found; and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profit, in their improvement, according to their understanding or cunning, at twelvepence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making their assessment, to estimate houses and lands at six years' yearly rent whereat the same may be reasonably set or let for in the place where they lye: *saving* all agreements between landlord and tenant, and when no agreement is, the landlord to reimburse one-half of the tax set upon such houses and lands; and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old and upwards, at three shillings each; the several creatures above mentioned to be taxed to their respective owners or occupants, by the assessors of the towns in which the owners or occupants dwell: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty; and if as guardians, or for any estate, in his

or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector, constable or constables of any such town, district, parish or place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, some time before the last day of November next.

[SECT. 4.] And the treasurer, for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector, or constable or constables of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirtieth day of March, which will be in the year of our Lord one thousand seven hundred and sixty-five.

And be it further enacted,

Inhabitants to bring in a true list of their polls, estate, &c.

[SECT. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making of the assessment, shall give seasonable warning to the inhabitants, in a town-meeting or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way, to give or bring in to the assessors true and perfect lists of their polls, rateable estate, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables in manner as is directed for gathering the town assessments, to be paid in to the town, district or parish treasury, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize into the same, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho', in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it therefore enacted,

Transient traders to be rated.

[Sect. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected, as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[Sect. 8.] That when any merchant, trader or factor, shall set up a store, and traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are impowered to rate and assess all such merchants, traders and factors, their goods and merchandizes, for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions in this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[Sect. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same.

And whereas it has been the practice of some of the inhabitants of the town of Boston to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of said town,—

Be it therefore enacted,

Inhabitants of Boston who remove out of town, and return in a year, to pay their tax in said town.

[Sect. 10.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in said town, he shall be subject to pay said taxes, in like manner as he would have been had he not removed from said Boston (*saving* so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding. [*Passed June* 14.

CHAPTER 4.

AN ACT TO IMPOWER THE PROVINCE TREASURER TO DRAW BILLS OF EXCHANGE UPON THE AGENT OF THE PROVINCE, IN GREAT BRITAIN.

Preamble.

Whereas the parliament of Great Britain has made a grant of one hundred and thirty-three thousand three hundred and thirty-three pounds six shillings and eightpence sterling, to enable his majesty to recompence his northern colonies in America, for their military services in the year one thousand seven hundred and sixty-two, a proportion of which grant, it is expected, is already assigned this province,—

Be it enacted by the Governor, Council and House of Representatives,

Province treasurer empowered to draw bills of exchange.

[Sect. 1.] That the province treasurer be and he hereby is impowered and directed to draw bills of exchange on Jasper Mauduit, Esq[r]., agent for said province in Great Britain, or, in case of his being prevented by death, absence, or any other way, on Richard Jackson,

jun[ior], Esq[r]., for a sum not exceeding forty-eight thousand pounds sterling; and the said bills shall be drawn on the following conditions; viz[t]., that for every hundred pounds sterling for which such bills shall be drawn, one hundred and thirty-five pounds lawful[l] money of this province shall be paid into the province treasury; that such bills shall be drawn, payable to the persons purchasing the same, or to their order, at thirty days' sight; but if the province agent, or, in case of his being prevented by death, absence, or any other way, Richard Jackson, jun[ior], Esq[r]., at the expiration of thirty days, shall not have received the province's proportion of the grant, then interest shall be allowed, from the expiration of said thirty days, at the rate of six per cent per annum, until paid: and such bills shall not be protested until twelve months shall be expired from their respective dates; and in case of their being returned protested, after the expiration of said twelve months, the province treasurer shall repay the sums received into the treasury for such bills, with [*the*] lawful interest from their respective dates, but shall not be liable to pay any loss or damages on account of the protesting such bills: said bills to be of the form following; viz[t].,—

Form of the bill.

Exchange for £ sterling. (No.), Boston, , 176 .

Sir,

At thirty days' sight of this my first per exchange (second, third and fourth, of the same tenor and date, unpaid), pay unto , or order, pounds sterling, for value received, and charge it to the province of the Massachusetts Bay; but if it is not paid at said thirty days' sight, then pay interest on that sum, from the expiration of said thirty days until paid, at the rate of six pounds per cent per annum; and if this bill and interest is not paid in one year from the date hereof, I hereby oblige myself, and successors in the office of treasurer of the province of the Massachusetts Bay, to pay said bill, with interest from the date of it, at the above rate, until paid, when it shall be returned with a protest into the office aforesaid, but no other charges or damages: *provided*, that, if payment shall not be demanded within eight months after the date of said protest, the interest shall, from that time, determine and cease.

H. G., Province Treasurer.

To Jasper Mauduit, Esq[r]., agent for the province of the Massachusetts Bay, in London, or, in case of his death or absence, to Richard Jackson, jun[ior], Esq[r].

And be it further enacted,

Treasurer to open a subscription.

[SECT. 2.] That the province treasurer shall and he hereby is directed to prepare, forthwith, a roll for receiving subscriptions for the bills aforesaid, of which he shall give public[k] notice, that all persons inclining may become subscribers. And the said subscription-roll shall lie open to be subscribed, until the twentieth day of August, one thousand seven hundred and sixty-four; at which time, if a greater sum than forty-eight thousand pounds, aforesaid, shall be subscribed, each subscriber shall be intitled to such a part of said proportion, in bills, as his particular subscription shall bear to the whole sum subscribed.

Provided, always,—

Proviso limiting the sum to be subscribed, and to the inhabitants of this province.

[SECT. 3.] That no person shall be permitted to subscribe for more than seven hundred pounds sterling, or less than fifty pounds sterling; nor shall any persons be admitted to subscribe, but such as are inhabitants of this province, until the said twentieth day of August next, when, if the sum subscribed shall appear to be less than the forty-eight thousand pounds aforesaid, any persons whatsoever shall be allowed to become subscribers for the remainder, and in such sums as they may think proper, preference being given to the inhabitants of this province.

And be it further enacted,

Any person may

[SECT. 4.] That if the sum[*s*] subscribed, as aforesaid, shall not be

paid into the province treasury within thirty days after public[k] notice, given by the treasurer, in all the Boston newspapers, that he is ready to draw the bills as aforesaid, then he shall allow any person or persons whatsoever to become subscribers, in the room of those who shall neglect to pay their subscriptions until the expiration of the thirty days aforesaid; and such new subscribers shall be intitled to such bills upon their paying for them at the rate aforesaid. [*Passed June* 14. subscribe after 30th July.

CHAPTER 5.

AN ACT FOR ERECTING THE PLANTATION CALLED IPSWICH-CANADA, INTO A TOWN BY THE NAME OF WINCHENDON.

Whereas the inhabitants of the plantation called Ipswich-Canada, in the county of Worcester, labour under many difficulties and inconvenienc[*i*]es by means of their not being a town; therefore,— Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the plantation commonly called and known by the name of Ipswich-Canada, in the county of Worcester, bounded as follows; viz[t]., south, twelve degrees west, seven miles and two hundred rods, on Dorchester-Canada; west, eighteen degrees south, two hundred and seventy rods, on Westminster; north, thirty-six degrees west, four miles and two hundred and twenty rods, on Templetown line; north, seventy-eight degrees west, six hundred rods, on Templetown line; north, twelve degrees east, four miles and two hundred and sixty rods, on Royal[l]shire; south, seventy-eight degrees west, six miles on Royal[l]shire line,—be and hereby is erected into a town by the name of Winchendon; and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do or may enjoy. The town of Winchendon constituted.

And be it further enacted,

[Sect. 2.] That there be laid on the lands already laid out in the said town of Winchendon, a tax of one penny per acre for the term of three years. A tax of one penny per acre granted for three years.

And be it further enacted,

[Sect. 3.] That Edward Hartwell, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town, requiring him to warn the inhabitants of the said town, qualified to vote in town affairs, to meet at such time and place as shall be therein set forth, to choose all such officers as are or shall be required by law to manage the affairs of the said town. [*Passed June* 14.* Meeting of the inhabitants, to be warned.

CHAPTER 6.

AN ACT IN ADDITION TO THE LAWS OF THIS PROVINCE RELATING TO WAYS.

Whereas in and by the laws of this province the justices in the courts of general sessions of the peace, in the respective count[*y*][*ie*]s, are impowered, in certain cases, to lay out particular and private ways, but no provision by law is made for the discontinuance of such ways, so laid, when they are found not to be necessary,— Preamble.

* Signed June 15, according to the record.

Be it therefore enacted by the Governor, Council and House of Representatives, in general court assembled,

Court of sessions empowered to discontinue particular and private ways.

That it shall and may be lawful[l] for the justices of the respective courts of general sessions of the peace, so often as occasion may require, upon application made by any parties aggrieved at the continuance of such ways, and all parties interested in such ways being duly cited and heard, to discontinue any particular or private way laid out as aforesaid. [*Passed June* 14.*

CHAPTER 7.

AN ACT TO IMPOWER THE PROPRIETORS OF THE MEETING-HOUSE IN THE TOWN OF NEWBURYPORT, WHERE THE REVEREND MR. JONATHAN PARSONS OFFICIATES, TO RAISE MONEY TO DEFREY MINISTERIAL AND OTHER NECESSARY CHARGES.

Preamble. 1751–52, chap. 19.

WHEREAS it is found inconvenient to raise money for defreying ministerial charges in the town of Newburyport, by an assessment or tax on polls and estates in said town; *and whereas* many persons attend the publick worship of God in the aforesaid meeting-house, where the Reverend Mr. Jonathan Parsons officiates, who do not pay anything for the support of the ministry there, and are not taxed towards the support of the same anywhere else; *and whereas* the aforesaid proprietors are not by law enabled to tax such persons towards the support of the ministry there,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Proprietors empowered to tax the pews.

[SECT. 1.] That the proprietors of the meeting-house in the said town of Newburyport, where the Reverend Mr. Jonathan Parsons officiates, be and hereby are allowed and impowered to raise, by an assessment or tax on the pew[e]s in the meeting-house aforementioned, such sum or sums as shall be agreed upon by the proprietors, or the major part of such of them as shall be assembled, at any legal meeting called for that purpose, for defreying the ministerial and other incidental charges; the first meeting of such proprietors to be called agreeable to the direction of the act made and passed in the eighth and ninth years of the reign of his late majesty George the Second, intituled "An Act directing how meetings of proprietors in wharves or other real estates may be called."

First meeting, how to be called.

1735–36, chap. 5.

And, to the intent that such tax or assessment may be equitably made and duly collected,—

Be it further enacted,

Pews to be valued:

[SECT. 2.] That the proprietors of the meeting-house aforementioned be and hereby are impowered to cause the pew[e]s in the meeting-house aforesaid to be valued according to the convenience of said pew[e]s and the situation thereof, and to put a new est[i]mate upon the pew[e]s, from time to time, as shall be found necessary, and to determine how much each pew, or part of a pew, shall pay towards defreying the charges aforesaid, and the time and manner in which the same shall be paid; and appoint a collector or collectors to collect the sum or sums so agreed to be raised, who shall be sworn to the faithful discharge of his trust. And if any proprietor or owner of a pew in the aforementioned house shall neglect or refuse to pay the sum or sums assessed thereon, after having twenty days' notice given him by the collector, the proprietors of the said meeting-house shall be and hereby

— may be a new estimate.

Collectors may be appointed.

* Signed June 15, according to the record.

are impowered, by themselves or by their committee, to sell or dispose of the pew of such delinquent, according to the valuation thereof, as aforesaid, and, with the money raised by such sale, to pay the assessment or tax on said pew remaining unpaid, together with the charges arising on the sale; the overplus, if any there be, to be returned to the owner thereof. Delinquents' pews may be sold.

Provided, nevertheless,—

[Sect. 3.] That when the owner of any pew shall make a tender of the same to the proprietors, or to their committee, at the valuation aforesaid, and they shall refuse or neglect to accept the same, no sum shall be deducted out of the sale of said pew, but such only as shall have become due before the making of said tender. Proviso.

And be it further enacted,

[Sect. 4.] That the proprietors of said house be and hereby are impowered to tax or assess the several persons occupying or possessing pews or seats, or parts of pews and seats, who usually attend the public worship in said house (and whose polls and estate are taxed nowhere else, for the support of the public worship of God), according to their several abilities and circumstances, in order to raise money sufficient, together with what may be assessed on the pews, to defrey their ministerial and other incidental charges; and the said assessment or tax shall be made and collected by such rules as parish taxes are made and collected. Persons occupying pews, and not taxed elsewhere, may be taxed.

[Sect. 5.] This act to continue and be in force for the space of three years from the publication of the same, and no longer. [*Passed June* 14. Continuance of the act.

CHAPTER 8.

AN ACT FOR ENABLING THE PROPRIETORS OF THE LANDS IN THE TOWN OF BARNARDSTON TO RAISE MONIES TO PAY THE DEBTS DUE FROM THEM.

Whereas the proprietors of the lands in the town of Bernardston, in the county of Hampshire, are indebted in divers sums of money to sundry persons, which became due before the inhabitants of the said town were by law incorporated into a town,— Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That on application, made by any five, or more, of the proprietors aforesaid, to any justice of the peace in said county, setting forth their desire of a meeting of the said proprietors, in order to raise monies for paying the said debts, and to transact the several matters relative and necessary thereto, the said justice be and hereby is impowered to issue his warrant, directed to some one of the said proprietors, requiring him to notify the said proprietors to meet at the time and place, and for the purposes, that shall be therein mentioned, a copy of which, being posted up in some public place in the said town, and also inserted in three of the Boston newspapers for three weeks, successively, twenty days at least before the time of such meeting, shall be sufficient notice to the said proprietors to appear at and attend such meeting. Proprietors' meetings, how to be called.

[Sect. 2.] And that the proprietors, so warned and met as aforesaid, shall be and hereby are impowered to make such votes as may be necessary for the granting, raising, assessing, levying and collecting such sums as they are indebted in, as aforesaid, together with such further sums as they may think proper for defreying the expences of pro- When so warned and met, empowered to grant moneys, &c.

curing the warrant for said meeting and the notification thereof; and also for the choice of such officers as may be needed to be employed thereabout, and to agree and determine in what manner and proportion the same shall be set and assessed on the said proprietors and their lands.

And be it further enacted,

Delinquent's lands to be sold for payment.

[SECT. 3.] That if any one of the said proprietors, who shall be assessed in any sum agreeable to the votes of the said proprietors, made at such meeting as aforesaid, shall neglect to pay the same for the space of sixty days after such assessment is made, and published by posting up the same in the town aforesaid and in the shire town of the said county, the assessors shall have the same powers for making sale and conveyance of such delinquent proprietor's lands, and shall observe the same rules in all things relative thereto, as are provided in an act, made in the second year of his majesty's reign, intitled "An Act to subject the unimproved lands, within this province, to be sold for the payment of taxes assessed on them, by order of the great and general court, and votes and agreements of the proprietors thereof," etc. [*Passed June* 14.

1761-62, chap. 44.

CHAPTER 9.

AN ACT FOR PREVENTING NUISANCES AND INCUMBRANCES ON DOCK SQUARE, IN THE TOWN OF BOSTON.

Preamble.

WHEREAS Dock Square, so called, in the town of Boston, near to Faneuil Hall, has of late years been daily much incumbered by butchers, victuallers and other people, who bring meat, victuals and provision to market, by putting, placing and continuing their horses, carts, carriages, and other incumbrances, there, to the great obstructions and hindrance of people passing up and down, to the great hazard of themselves, as well as others going there to buy meat and other provisions; *and whereas* the town of Boston, for preventing such incumbrances for the future, have, at a great expence, provided a commodious place for all people, bringing meat, victuals and provision to market, for placing themselves, their horses, carriages and such their market stores, in, and so preventing such nuisances and incumbrances as aforesaid,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Butchers, &c., not to encumber Dock Square.

[SECT. 1.] That if any butcher, victualler, or any other person, bringing to market, in Boston aforesaid, any meat, victuals or provisions, shall, at any time after the first day of August, one thousand seven hundred and sixty-four, presume to set or place any horse, cart, carriage, stall, stand, bench, block, provisions or incumbrance in or upon the aforesaid Dock Square, and shall not, immediately after being directed or ordered by any of the selectmen of Boston, for the time being, or by such other person whom they shall appoint for that purpose, remove and take away from thence every such incumbrance, as aforesaid, by him or her so put and placed there, shall forfeit and pay the sum of five shillings for every such neglect and offence, for the use of the province; which may be recovered by action, complaint, or information, by the clerk of Faneuil-hall Market, before any justice of the peace in the county; which process shall be served within two days after such offence shall be committed.

Selectmen empowered to remove incumbrances.

Fine for not obeying.

And be it further enacted,

Place provided for the market, to be regulated

[SECT. 2.] That the aforesaid place, provided by the said town of Boston for the purposes aforesaid, shall, from time to time be under the

regulations of the selectmen thereof; and that this bill be published in all the Boston newspapers three weeks, successively, and posted round the market. by the selectmen.

[Sect. 3.] This act to be in force for the space of two years from the first day of August next, and no longer. [*Passed June* 14. Continuance.

CHAPTER 10.

AN ACT IN ADDITION TO THE ACT INTITULED "AN ACT TO PREVENT THE UNNECESSARY DESTRUCTION OF ALEWIVES, IN THE TOWN OF MIDDLEBOROUGH."

Whereas, in and by the act intituled "An Act to prevent the unnecessary destruction of alewives in the town of Middleborough," made in the twenty-second year of his late majesty King George the Second, all persons are prohibited taking or catching alewives within the town of Middleborough, *save* at the old Stone Ware, so called, in Namasket River, and at such place in Assawampset Brook as said town should appoint; *and whereas* the prohibition and restriction aforesaid has been found inconvenient; therefore,— Preamble. 1749-50, chap. 12.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That during the season wherein alewives shall pass up said Namasket River, to spawn, in the year one thousand seven hundred and sixty-five, it shall be lawful for the inhabitants of said town of Middleborough to catch alewives at or near the place where the slitting-mill now stands, on the said river, on the Mondays, Tuesdays and Wednesdays of every week; liberty of taking fish there being first obtained from the owner or owners of said mill. Alewives may be taken at the slitting-mill with leave of the owner.

Provided, nevertheless,—

[Sect. 2.] That it shall be lawful for said town, at a legal meeting of the inhabitants, to dispose of and grant, for that year, the sole priviledge of catching alewives, on the days of the week abovementioned, at or near the mill aforesaid, (liberty therefor being first obtained of the owners as aforesaid), to such person or persons as shall offer most for the same, and give sufficient security, forthwith, for payment of the sum offered, at such time and in such manner as the inhabitants of said town shall assign and order, either by themselves, at a town-meeting, or by such as they shall appoint and authorize for that purpose. Privilege of catching may be sold by the town.

And be it further enacted,

[Sect. 3.] That no purchaser of the priviledge aforesaid shall receive for any alewives that may be there caught, more than one shilling for each hundred of said fish, and so *pro ratâ* for any less or greater number. Price at which the fish caught may be sold.

And be it further enacted,

[Sect. 4.] That any purchaser of the priviledge aforesaid, who shall take or catch any of said fish at or near the mill aforesaid, or shall allow or connive at any other person taking any such fish there, at any other time than that limited for that purpose as aforesaid, and every other person whosoever that shall catch any such fish on any days other than those herein beforementioned, whether the priviledge aforesaid shall have been disposed of to any particular person or persons or not, shall forfeit and pay the sum of five pounds, and costs of suit, to him or them who shall sue therefor in any court proper to try the same. [*Passed June* 14. Penalty for catching fish contrary to this act.

CHAPTER 11.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF ONE HUNDRED AND THIRTY-EIGHT THOUSAND POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLICK DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Preamble.

WHEREAS it is necessary, in order to support the faith and credit of the government, that provision be made by the general court for discharging the debts of the present and prece[e]ding years, and also to enable the treasurer to compleat the payment of the receipts or obligations by him given in behalf of the province, that will become due this year and the next,—

Be it enacted by the Governor, Council and House of Representatives,

Treasurer empowered to borrow £138,000.

[SECT. 1.] That the treasurer of the province be and he hereby is impowered and directed to borrow, from such person or persons as shall be willing to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding one hundred and thirty-eight thousand pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government;" and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the said sum the treasurer shall give his receipt or obligation in the form following:—

1749–50, chap. 19.

Form of the note.

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or to his order, the tenth day of June, A.D. one thousand seven hundred and sixty-six, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with interest, annually, at six per cent.

Witness my hand, H. G., Treasurer.

A. B., C. D., E. F., } Committee.

—and no receipt shall be given for less than six pounds.

Regulation of the sum, and manner of issuing the notes.

[SECT. 2.] And the treasurer, in issuing said receipts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his present majesty's reign, intituled "An Act to supply the treasury with the sum of twenty-five thousand pounds."

1761–62, chap. 23.

And be it further enacted,

Appropriations.

[SECT. 3.] That the sum of twenty thousand pounds, part of the aforesaid sum of one hundred and thirty-eight thousand pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, the sum of three thousand pounds, part of the aforesaid sum of twenty thousand pounds, shall be applied for the payment of the expences of the several forts and garrisons

within this province; and the further sum of three thousand pounds, part of the aforesaid sum of twenty thousand pounds, shall be applied to the purchasing provisions and the commissary's disbursements for the service of the several forts and garrisons within this province; and the further sum of eight thousand pounds, part of the aforesaid sum of twenty thousand pounds, shall be applied for the payment of the grants made or to be made by this court; and the further sum of three thousand eight hundred pounds, part of the aforesaid sum of twenty thousand pounds, shall be applied for the discharge of debts owing from this province to persons that have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned them for that purpose, and for paper, writing and printing for this court, and repairs of the province-house, court-house, lighthouse, wood at Castle William, and repairs of fortifications within this province; and the further sum of one thousand pounds, part of the aforesaid sum of twenty thousand pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of one thousand pounds, part of the aforesaid sum of twenty thousand pounds, shall be applied for the payment of the bounty upon wheat and flour; and the further sum of two hundred pounds, being the remainder of the aforesaid sum of twenty thousand pounds, shall be applied to pay such contingent and unforeseen charges as may arise, and for no other purpose whatsoever.

And be it further enacted,

[Sect. 4.] That the treasurer pay the aforesaid sum of twenty thousand pounds out of such appropriations as shall be directed by warrant, and no other: and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts of charge, after payment thereof. Treasurer to pay out of appropriation directed by warrant.

And be it further enacted,

[Sect. 5.] That the sum of one hundred and eighteen thousand pounds, being the remainder of the sum ordered to be borrowed by this act, when received into the treasury, be applied by the treasurer for the redemption of government securities that will become due the twentieth day of June, one thousand seven hundred and sixty-four, and the twentieth day of June, one thousand seven hundred and sixty-five. £118,000 for redemption of government securities.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon), by him given in pursuance of this act,—

Be it enacted,

[Sect. 6.] That there be and hereby is granted unto his most excellent majesty a tax of one hundred and fifty-five thousand pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly at their sessions in May, one thousand seven hundred and sixty-five, and to be paid into the public[k] treasury on or before the thirtieth day of March, A.D. one thousand seven hundred and sixty-six. Tax granted of £155,000 to be paid on or before 30th of March, 1766.

And be it further enacted,

[Sect. 7.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-five, and some time before the twentieth day of June in said year, shall not agree and conclude upon an General court to apportion the sum in 1765, or otherwise be

paid as in the preceding tax act.

act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

Treasurer empowered to issue his warrants accordingly.

[SECT. 8.] And the province treasurer is hereby fully impowered and directed, some time in the month of July, in the same year, one thousand seven hundred and sixty-five, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and agreed to be assessed, to be paid into the treasury at or before the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act. [*Passed June* 15.

CHAPTER 12.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT PROVIDING IN CASE OF SICKNESS."

Preamble. 1701-02, chap. 9.

WHEREAS the laws already made are found to be insufficient to prevent the spreading of the small-pox within this province,—

Be it enacted by the Governor, Council and House of Representatives,

Selectmen may appoint guards.

Their duty.

[SECT. 1.] That the selectmen of each town and district in this province, may, at the charge of their respective towns and districts, appoint suitable persons to guard each house wherein any person shall be visited with the small-pox; and that the said persons so appointed be and hereby are [e][*i*]mpowered to restrain and prevent all persons from going to or coming from such house without licence from the selectmen of the town or district; [*and**] if need be, one justice of the peace for the county, at the instance of the major part of the selectmen of the said town, may, by warrant under his hand and seal, directed to the sheriff of the county, or his deputy, [*or co**]nstable of the town or district, cause one or more suitable person or persons, out of such as are by law liable to watch and ward, to be impressed for that service, and appoint the wages they shall [*rece**]ive therefor from the town; and all persons impressed for the service aforesaid shall attend the service faithfully, until[*l*] they shall be dismissed by the said justice or the selectmen; and every person thus [*app**]ointed that shall refuse, or be negligent or unfaithful in the execution of the trust reposed in him, shall forfeit and pay for every such offence the sum of ten pounds.

One justice, in certain cases, to grant warrants to impress.

Penalty on persons impressed refusing or neglecting duty.

And be it further enacted,

Penalty on persons newly recovered of the small-pox endangering others.

[SECT. 2.] That every person now visited, or that may be hereafter visited, with the small-pox, by inoculation or otherwise, who shall remove from the hospital, or house [*wher**]ein he has or shall have his abode whilst under that distemper, into any town or district where the small-pox shall not generally prevail, and shall pass from place to place in the same town [*or d**]istrict, or shall go near unto or join themselves in company with others who may be put in fear or danger thereby, before such person shall have been thoroughly cleansed and

* Parchment mutilated.

freed from [*inf**]ection, and before he or she shall have obtained a certificate, in writing, under the hand of the physician who shall have attended such person in the time of his or her sickness, setting forth that [*such**] person is so cleansed and freed from infection as not to endanger others, shall, for every such offence, be subject to a fine of fifty pounds; and whosoever shall wil[*l*]fully, wantonly or carelessly [*com**]municate or convey the small-pox to any other person, shall forfeit and pay a fine of fifty pounds, together with all costs and charges [accruing] [*arising*] thereby.

And be it further enacted,

Persons not inhabitants of Boston, not to be inoculated there without license.

[Sect. 3.] That every person, not being an inhabitant of or resident in the town of Boston, who shall be inoculated for the small-pox within the said town, or, having [*been inocula**]ted elsewhere, shall remove into that town, there to abide during his continuing sick of that distemper, without leave first obtained from the selectmen thereof, shall forfeit [*and pay the sum**] of one hundred pounds, and be further liable to be removed, by warrant from any justice of the peace, to the pest-house in said town, or to that at Rainsford['*s*] Island (according as [*such warrant sh**]all direct), at the charge of the offender: and whosoever shall presume to inoculate with the small-pox any person coming into said town from elsewhere (not being an [*inhabitant or* [*re**]sident thereof as aforesaid) without leave first obtained as aforesaid, shall forfeit and pay the sum of one hundred pounds.

Penalty.

Penalty on physicians so inoculating.

[*And be it**] *further enacted*,

Inoculating-hospitals not to be erected without leave of the town.

[Sect. 4.] That no house be erected or used as an inoculating-hospital without the consent of the town or district where such house may be, first obtained therefor; and [*every house that m**]ay be used for such purpose, without liberty obtained as aforesaid, shall be deemed a common nuisance; and every person who shall presume to inoculate with the small-pox in any [*hospital not licensed as**] aforesaid, or to attend any inoculated person therein, shall forfeit and pay the sum of one hundred pounds.

Penalty.

[*Provided*, *never**]*theless*,—

Proviso with regard to neighboring towns.

[Sect. 5.] That if the place intended for an inoculating-hospital shall be within half a mile of any dwelling-house being in another town or district, then the consent of such [*adjoining town**] or district shall be had before such inoculating-hospital shall be erected or used.

[*And be**] *it further enacted*,

Physicians and nurses to give constant attendance at hospitals.

[Sect. 6.] That every physician and nurse employed in attending on the sick in any house or hospital for the small-pox, shall give his and their constant [*attendanc**]e thereat, least, by his or their passing from place to place, such as have not had that distemper may be put in danger of taking the same.

[*Pro**]*vided*, *nevertheless*,—

Proviso respecting Point Shirley.

[Sect. 7.] That nothing in this act shall be construed so as to prevent or hinder persons from being inoculated at Point Shirley, during the time already allowed by the [*town of**] Chelsea for that purpose; the said hospital to be, nevertheless, subject to the regulations herein provided.

Fines and forfeitures applied, and how to be recovered.

[Sect. 8.] [*A**]ll fines and forfeitures that may arise by the breach of this act shall be applied, the one half to the informer, the other half for the support of the poor in such town where the [*off**]ence shall be committed, and may be recovered by action, bill, plaint or information in any of his majesty's courts of record within this province.

Continuance.

[Sect. 9.] This act to continue in force for the space of three years from the fifteenth of June, instant. [*Passed June* 15.

* Parchment mutilated.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE EIGHTEENTH DAY OF OCTOBER, A.D. 1764.

CHAPTER 13.

AN ACT FOR ERECTING THE PLANTATION CALLED GORHAMTOWN INTO A TOWN BY THE NAME OF GORHAM.

Preamble.

WHEREAS it has been represented to this court that the erecting the plantation called Gorhamtown, in the county of Cumberland, into a town, will greatly contribute to the growth thereof, and remedy many inconveniences to which the inhabitants and proprietors may be otherwise subject,—

Be it enacted by the Governor, Council and House of Representatives,

Bounds of the town of Gorham.

[SECT. 1.] That the plantation commonly called and known by the name of Gorhamtown, in the county of Cumberland, bounded as follows; viz., beginning at a marked tree, on the westerly side of Pesumpscot River, in a course south-west, twenty-three degrees, from the hemlock-tree on the other side of the said river, which is fifteen poles below Inkhorn Brook; and thence, running south, twenty-three degrees west, on the head of Falmouth, two miles and two hundred and twenty-six poles, to a spruce-tree, marked, standing about two poles westward of an old mast-path,—being the corner bounds of Scarborough, Falmouth and said Gorhamtown; thence, running, on the head of Scarborough, nine hundred and fifteen poles, to a large hemlock-tree, marked "N. G."; thence, running north, thirty-three degrees west, seven miles and one-quarter of a mile, by Narragansett Numb. One, to a firr-tree, marked; and from thence, running north-east, seven miles and two hundred poles, to said Pesumpscot River, to a large hemlock-tree, about two rods from the said river, marked "G. P."; and bounded, north-easterly, by said river,—be and hereby is erected into a town by the name of Gorham: and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do or may enjoy.

Provided,—

Proviso.

[SECT. 2.] That none of the inhabitants or proprietors of said town be held, by vertue of this act of incorporation, to pay any part of the ministerial charges heretofore arisen in said plantation, which they were not obliged, by their own contract, to pay previous to such incorporation.

And be it further enacted,

Town-meeting to be warned.

[SECT. 3.] That Stephen Longfellow, Esq., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town, requiring him to warn the inhabitants of the said town, qualified to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required by law to manage the affairs of the said town. [*Passed October* 30.

CHAPTER 14.

AN ACT FOR FURTHER CONTINUING AN ACT, INTITLED "AN ACT FOR THE SECURING THE GROWTH AND INCREASE OF A CERTAIN PARCEL OF WOOD AND TIMBER IN THE TOWNSHIPS OF IPSWICH AND WENHAM, IN THE COUNTY OF ESSEX."

Preamble. 1754–55, chap. 21.

Whereas an act intitled "An Act for the securing the growth and increase of a certain parcel of wood and timber, in the townships of Ipswich and Wenham, in the county of Essex," is near expiring; which hath been found useful and beneficial to the persons concerned, and they having desired that the same may be further continued,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Act continued.

That the aforementioned act, which is near expiring, with all and every article, clause, matter and thing therein contained, be and hereby is further continued, and shall be in full force for the space of ten years from the thirteenth day of January, one thousand seven hundred and sixty-five, and no longer. [*Passed November* 2.

Limitation.

CHAPTER 15.

[*AN**] ACT FOR ERECTING A TOWN IN THE COUNTY OF LINCOLN, BY THE NAME OF BOOTHBAY.

Preamble.

Whereas the inhabitants of land lying between Sheepscot and Damariscotta River, within [*the count**]y of Lincoln, known by the name of Townsend, have petitioned this court, that, for the reasons mentioned, th[*ey may be**] incorporated into a town, and vested with the powers and authorities belonging to other towns; for the encouragement of said settlement,—

Be it enacted by the Governor, Council and House of Representatives,

Bounds of the town of Boothbay.

[Sect. 1.] Th[*at the**] said tract of land, described and bounded as follows; viz[t]., beginning at the most northerly part of a bay [*called**] the Oven's Mouth, and from thence, to run an east-south-east course, to Damariscotta River; thence, souther[*ly**], down said river, to the sea or Western Ocean; then, to run westerly, on the sea coast, as the coast lies, to the mou[*th of**] Sheepscot River; then, to run northerly, up Sheepscot River, between Jeremy-Squam Island and Barter's Island, to the cross river at the head of [*the**] said Barter's Island; and from thence, over the water, to the most northerly [*part**] of the Oven's Mouth aforesaid, with all the islands in Damariscotta River below, or to the southward of, the fi[*rst**] described line, and also all the islands lying within six miles from the mainland, to the south, between the [*afore**]mentioned rivers of Sheepscot and Damariscotta, be and hereby is erected into a town by the name of Boo[*thbay**]; and the inhabitants thereof shall have and enjoy all such immunities and priviledges as other towns in this pro[*vince**] have, and do by law enjoy.

And be it further enacted,

Town-meeting to be warned.

[Sect. 2.] That Samuel Denny, Esq[r]., be and hereby is impowered to iss[*ue**] his warrant to some principal inhabitant of the said town of Boothbay, requiring him, in his majesty's n[*ame**], to warn and notify the said inhabitants, qualified to vote in town affairs, to

* Parchment mutilated.

meet together at such time and place, in said town, as shall be appointed in said warrant, to chuse such officers as the law directs, and may be necessary to manage the affairs of said town; and the inhabitants, so met, shall be and are hereby impowered to chuse such officers accordingly. [*Passed November* 3.

ACTS

Passed at the Session begun and held at Boston, on the Ninth day of January, A.D. 1765.

CHAPTER 16.

AN ACT FOR ALTERING THE TIME FOR HOLDING THE SUPERIOR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY AT CHARLESTOWN, IN THE COUNTY OF MIDDLESEX, THIS PRESENT YEAR.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the superior court of judicature, court of assize and general goal delivery shall not be holden at Charlestown, for the county of Middlesex, on the last Tuesday of January, this present year; but a superior court of judicature, court of assize and general goal delivery shall be holden at said Charlestown, for the said county, on the third Tuesday of April in the same year.

Superior court to be held at Charlestown, on the third Tuesday in April, 1765.

And be it further enacted,

[Sect. 2.] That all appeals, writs of review, executions, and all recognizances, warrants, processes, matters or things whatsoever, returnable to, or which might have been proceeded on, adjudged and determined at, the said court, on the said last Tuesday in January, shall be, in like manner, returnable to, and may, in like manner, be proceeded on, adjudged and determined at, the said court to be holden on the third Tuesday in April, any law, usage or custom to the contrary notwithstanding. [*Passed January* 12, 1765.

Appeals, &c., made returnable to third Tuesday in April, 1765.

CHAPTER 17.

AN ACT FOR DETERMINING THE TIMES FOR HOLDING THE SUPERIOR COURTS OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY IN THE SEVERAL COUNTIES WITHIN THE PROVINCE.

Whereas, from a change of circumstances in divers counties within the province, and for other sufficient reasons, it is judged necessary that there should be an alteration in the times of holding the superior court of judicature, court of assize and general goal delivery in such counties; and it is also judged convenient in one act or law to settle and determine the time for holding the said courts, in all the counties of the province; therefore.—

Preamble.

Be it enacted by the Governor, Council and House of Representatives,—

[Sect. 1.] That the times and places for holding and keeping the superior court of judicature, court of assize and general goal delivery, shall, for the future, be as followeth; that is to say,—

The times fixed for holding the superior courts,

&c., for the future.

Within and for the county of Suffolk, at Boston, on the second Tuesday in March, and the last Tuesday in August:

Within and for the county of Essex, at Salem, on the first Tuesday in November; and at Ipswich, on the third Tuesday in June:

Within and for the county of Middlesex, at Cambridge, on the last Tuesday in October; and at Charlestown, on the second Tuesday in April:

Within the county of Hampshire, and for the counties of Hampshire and Berkshire, at Springfield, on the fourth Tuesday in September:

Within and for the county of Worcester, at Worcester, on the third Tuesday in September:

Within and for the county of Plymouth, at Plymouth, on the third Tuesday in May:

Within the county of Barnstable, and for the counties of Barnstable and Dukes County, at Barnstable, on the Wednesday preceding the third Tuesday in May:

Within and for the county of Bristol, at Taunton, on the second Tuesday in October:

Within and for the county of York, at York, on the Tuesday next after the fourth Tuesday of June:

Within the county of Cumberland, and for the counties of Lincoln and Cumberland, at Falmouth, on the fourth Tuesday of June:

—any former law, usage, or custom to the contrary notwithstanding.

And be it further enacted,

Appeals, writs of review, &c., declared to be returnable accordingly.

[SECT. 2.] That all appeals, writs of review, executions, and all recognizances, warrants, processes, matters or things whatsoever, returnable to, or which might have been proceeded on, adjudged and determined at, any court, the time for holding which is altered by this act, shall be, in like manner, returnable to, and may, in like manner, be proceeded on, adjudged and determined at, the court, in the same county, to be holden next after, by virtue of this act. [*Passed February* 12, 1765.

CHAPTER 18.

AN ACT FOR INCORPORATING THE SOUTHERLY PART OF RUTLAND AND THE NORTHERLY PART OF LEICESTER, IN THE COUNTY OF [OF] WORCESTER, INTO A DISTRICT BY THE NAME OF PAXTON.

Preamble.

WHEREAS it has been represented to this court, by a number of the inhabitants of the southerly part of Rutland and the northerly part of Leicester, in the county of Worcester, that they labour under great difficulties by reason of their distance from the place of publick worship, in their respective towns, praying to be erected into a seperate district,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Paxton erected into a district by certain bounds.

[SECT. 1.] That the northerly part of Leicester and the southerly part of Rutland, as hereafter described; viz[t]., beginning at the north-east corner of Leicester, and, from thence, run[n]ing, southerly, on Holden line, as, by a right angle, to be two miles south of Leicester north line; then, turning and run[n]ing, westerly, parallel with Leicester north bounds, until it comes to Spencer line; then, turning and run-[n]ing, north, on Spencer line, to the north-west corner of Leicester; and, from thence, run[n]ing into Rutland, the same point, as far north as the southerly line of Uriah Newton's farm; from thence, turning and run[n]ing, easterly, on the southerly lines of the farms belonging to

Uriah Newton, James Blair, David Bent, Ebenezer Frost—and David Brown's farm which he purchased of Eliphalet How,—until it comes to Holden line; then, run[n]ing, southerly, on said Holden line, to the corner first mentioned; also such other lands as lie between the several farms aforesaid (*provided* they do not extend so far north as the northerly line of the said farms), be and hereby are incorporated into a seperate district by the name of Paxton; and that the inhabitants thereof be vested with all the powers, privile[d]ges and immunities which the inhabitants of any town within this province do or by law ought to enjoy, excepting only the privile[d]ge of sending a representative to the general assembly: and that the inhabitants of said district shall have liberty, from time to time, to join with the town of Leicester and district of Spencer in the choice of a representative or representatives; which representatives may be chosen indifferently from said town or districts,—the pay or allowance of such representatives to be borne by the said town and districts according to their respective proportions of the province tax; and that the town of Leicester, as often as they shall call a meeting for the choice of representatives, shall, from time to time, give seasonable notice to the clerk of said district of Paxton, for the time being, of the time and place for holding said meeting, to the end that the said district may join therein; and the clerk of said district shall set up, in some publick place in said district, a notification thereof, accordingly.

To join with Leicester and Spencer in choosing representatives.

Provided, nevertheless,—

And be it further enacted,

[Sect. 2.] That the said district shall pay their proportion of all such province, county and town taxes, already granted to be raised in the towns of Rutland and Leicester, respectively; and shall also pay their proportionable part of supporting the poor of the towns of Rutland and Leicester that are at this time relieved by said towns, and pay such proportion, yearly, into the hands of the town treasurers of said Rutland and Leicester, respectively: *provided* that the said district of Paxton shall not be liable to maintain any persons within the same who have been legally warned out of either of the towns of Leicester or Rutland; but, by virtue of said warning, shall have the same privile[d]ge of removing such persons as either of the towns of Rutland or Leicester could have in case they had remained therein.

Proviso respecting taxes.

Proviso respecting persons who have been warned out of Leicester or Rutland.

And be it further enacted,

[Sect. 3.] That the inhabitants of Rutland now included in said district, shall be and hereby are debarred from any claim or demand, whatever, on the said town of Rutland, for any money they have paid towards building and finishing the meeting-house in the said town, any vote of the town of Rutland to the contrary notwithstanding; excepting that such of the inhabitants of Rutland as are now included in said district, and are owners of pews in said meeting-house, the said town of Rutland shall reimburse them what they paid for said pews; and thereupon the said pews shall belong to the said town of Rutland, to be disposed of as they shall see meet.

Provision respecting the charge of building Rutland meeting-house.

And be it further enacted,

[Sect. 4.] That John Murray, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said district, requiring him to warn all the inhabitants in said district, qualified to vote in town affairs, to meet at such time and place within said district as he shall think proper, to chuse all such officers as towns, by law, are intit[u]led to chuse. [*Passed February* 12,* 1765.

The first meeting, how to be notified.

* Signed March 9, according to the record.

CHAPTER 19.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR ENABLING THE PROPRIETORS OF THE LANDS IN THE TOWN OF BERNARDSTON TO RAISE MONIES TO PAY THE DEBTS DUE FROM THEM."

Preamble. 1764-65, chap. 8.

WHEREAS, in pursuance of an act intitled "An Act for enabling the proprietors of the lands in the town of Bernardston to raise monies to pay the debts due from them," a meeting of said proprietors was held on the twenty-sixth of September last—which said meeting stands adjourned to the twentieth day of February, this present year,—and the said proprietors were impowered, at their meeting, to pass such votes as might appear necessary for the granting, raising, assessing, levying and collecting such sums as they are indebted, together with such further sums as they might think proper for defreying the expences which are mentioned in the said act; but no provision is made in the said act to enable the said proprietors to call to an account their collectors and treasurers; and it appears that several taxes have been granted, assessed and committed to the collectors to collect, which have been only partially collected, and considerable sums of money paid in to their treasurers, which have not been accounted for,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Committee to call to account former collectors of taxes and treasurers:

[SECT. 1.] That the said proprietors, at the time to which their meeting stands adjourned; to wit, on the twentieth day of February, this present year,—or at any after adjournment of the said meeting, be and hereby are fully authorized and impowered to choose a committee to call to an account all former collectors and treasurers of the said proprietors, or their heirs, respectively, in the same manner as the said proprietors might have done, by law, before they were incorporated into a town; and the same committee is further impowered to compleat the collections of all former taxes, and to proceed in such manner as is provided in an act intitled "An Act to subject the unimproved lands within this province, to be sold for the payment of taxes," made in the second year of his present majesty's reign.

—and to complete the collections.

1761-62, chap. 16.

Preamble.

And whereas, by a resolve of the general court heretofore made, the proprietors were directed to raise their taxes upon their lands that were to be laid out in two draughts, which were to be laid out in pitches; some of which are laid out, others the particular proprietors neglect to lay out, and by that means they will escape paying the proportion of taxes, unless provision be made therefor by this court,—

Be it therefore further enacted,

Lands to be taxed though not laid out.

[SECT. 2.] That in all future taxes raised on said proprietors, the assessors shall, from time to time, tax the proprietors' lands, in said division or draughts, not laid out, in the same manner as those already laid out; and the method of collecting the taxes on said draughts, in case the owners fail of duly paying their taxes, shall be the same as by law provided in other cases, except such wherein the whole draught shall be sold for payment of any tax; in which case the overplus of the sale, if any be, after the tax and all reasonable charges are deducted, shall, within three months from the sale, upon demand thereof, be reimbursed by the assessors to the owner of the draught so sold. [*Passed February* 14, 1765.

CHAPTER 20.

AN ACT DETERMINING AT WHAT TIMES AND PLACES THE SEVERAL INFERIOR COURTS OF COMMON PLEAS AND COURTS OF GENERAL SESSIONS OF THE PEACE SHALL BE HELD, WITHIN AND FOR THE SEVERAL COUNTIES OF THE PROVINCE, FOR THE FUTURE.

Preamble.

Whereas, by reason of the alteration made in the times of holding the superior court of judicature, court of assize and general goal delivery, in divers counties of the province, it is necessary there should be an alteration of the times of holding the inferior court of common pleas, and court of general sessions of the peace, in several of the said counties, and it is convenient that the times and places for holding all and every of the said courts shall be ascertained and appear in one act,—

Be it therefore enacted by the Governor, Council and House of Representatives,

The times fixed for holding the inferior courts, and courts of sessions, in the several counties.

[Sect. 1.] That the times and places for holding the inferior courts of common pleas and courts of general sessions of the peace, within and for the several counties in the province, shall henceforth yearly and every year be as follows; and all former acts of this government, determining the times and places for holding such courts, are hereby repealed and made void.

And the said courts shall be held within and for the county of Suffolk, at Boston, on the first Tuesday of January, the third Tuesday in April, the second Tuesday in July and the first Tuesday in October:

Within and for the county of Essex, at Salem, the second Tuesday in July and last Tuesday in December; at Ipswich, the last Tuesday in March; and at Newburyport, the last Tuesday in September:

Within and for the county of Middlesex, at Cambridge, the third Tuesday in May; at Charlestown, the first Tuesday in March and last Tuesday in November; and at Concord, the second Tuesday in September:

Within and for the county of Hampshire, at Springfield, the third Tuesday in May and the last Tuesday in August; at Northampton, the second Tuesday in February and the second Tuesday in November:

Within and for the county of Worcester, at Worcester, the first Tuesday in January, the second Tuesday in May, the third Tuesday in August and the first Tuesday in November:

Within and for the county of Plymouth, at Plymouth, the second Tuesday in April, the first Tuesday in July, the first Tuesday in October and the second Tuesday in December:

Within and for the county of Barnstable, at Barnstable, the first Tuesday in April, the last Tuesday in June, the last Tuesday in September and the first Tuesday in December:

Within and for the county of Bristol, at Taunton, the third Tuesday in February, the first Tuesday in May, the third Tuesday in August and the third Tuesday in November:

Within and for the county of York, at York, the first Tuesday in January, the second Tuesday in April, and the second Tuesday in July; and at Biddeford the second Tuesday in October:

Within and for the county of Cumberland, at Falmouth, the third Tuesday in April and third Tuesday in October:

Within and for the county of Lincoln, at Pownallborough, the first Tuesday in June and last Tuesday in September:

Within and for Duke's County, at Edgartown, the first Tuesday in March; and at Tisbury, the last Tuesday in October:

Within and for the county of Nantucket, at Sherburne, the last Tuesday in March and first Tuesday in October:

Within and for the county of Berks, at Great Barrington, the last Tuesday in April and first Tuesday in September; at Pittsfield, the first Tuesday in March and first Tuesday in December:

And be it further enacted,

Writs and other matters declared to be returnable accordingly.

[SECT. 2.] That all original writs, summons, warrants, recognizances, executions, processes, matters or things of what kind soever, returnable to, or which might have been adjudged, determined or acted upon at, any court the time for holding of which is altered by this act, shall be in like manner returnable to, adjudged, determined and acted upon at, the court in the same county to be holden next after by virtue of this act.

Provided, always,—

And it is accordingly to be understood,

Saving, for Charlestown court the present year.

[SECT. 3.] That the inferior court of common pleas and court of general sessions of the peace, for the county of Middlesex, shall be held at Charlestown, on the second Tuesday of March, this present year, instead of the first Tuesday of the said March, anything in this act to the contrary notwithstanding. [*Passed February* 19, 1765.

CHAPTER 21.

AN ACT FOR ERECTING A TOWN IN THE COUNTY OF WORCESTER, BY THE NAME OF ROYALSTON.

Preamble.

WHEREAS the proprietors of the land lying north of Athol, within the county of Worcester, known by the name of Royalshire, have petitioned this court that, for the reasons mentioned, said land may be incorporated into a town, and vested with the powers and authority belonging to other towns; for the encouragement of said settlement,—

Be it enacted by the Governor, Council and House of Representatives,

Royalston made a town, by certain bounds.

[SECT. 1.] That said tract of land, bounded and described as follows; viz., beginning at a pillar of stones on the province line, the north-west corner, and from thence, running, south, by the east line of Warwick, five mile and two hundred and ninety-three rods, to a pillar of stones, the south-west corner; and from thence, running, east, with the north line of Athol, five miles and two hundred and sixty-five rods, to a red-oak and heap of stones, the north-east corner of Athol; and from thence, south, by the east line of Athol, one mile and one hundred and ninety rods, to a stake and stones, a corner of Templeton; and from thence, east, three degrees south, one mile and eighty-six rods, by said Templeton, to the south-west corner; and from thence, north, twelve degrees east, five miles and eighty rods, on the west line of Winchendon, to a heap of stones, the north-west corner of said Winchendon; and thence, east, twelve degrees south, six miles and sixty rods, by the north line of said Winchendon, to the north-east corner thereof; and from thence, north, twelve degrees east, by the west line of Dorchester-Canada, two hundred and ninety-five rods, to the province north-bounds; and from thence, by the province line, fourteen miles and two hundred and eighty-five rods, to the corner first mentioned,—be and hereby is erected into a town by the name of Royalston; and the inhabitants thereof shall have and enjoy all such immunities and privileges as other towns in this province have and do by law enjoy.

And be it further enacted,

First meeting, how to be notified.

[Sect. 2.] That Joshua Willard, Esq., be and hereby is impowered to issue his warrant to some principal inhabitant of said town of Roy-alston, requiring him, in his majesty's name, to warn and notify the said inhabitants, qualified to vote in town affairs, to meet together at such time and place in said town as shall be appointed in said warrant, to choose such officers as the law directs, and may be necessary to manage the affairs of said town; and the inhabitants so met shall be and are hereby impowered to choose officers accordingly.

And be it further enacted,

Persons who have agreed to settle, to be accounted inhabitants.

[Sect 3.] That all those persons that have already agreed for to settle in said township, and have given bonds to perform the same, shall be accounted as part and parcel of said inhabitants, and be allowed to vote in their town-meetings, in all town affairs, as fully as those who actually live upon their settlements in said town, and shall be accordingly taxed for the purposes aforesaid. [*Passed February* 19, 1765.

CHAPTER 22.

AN ACT FOR INCORPORATING A NEW PLANTATION IN THE COUNTY OF WORCESTER, CALLED AND KNOWN BY THE [*NAME**] OF DORCHESTER-CANADA, INTO A TOWN BY THE NAME OF ASHBURNHAM.

Preamble.

Whereas the inhabitants of the plantation called and known by the name of Dorchester-Canada [*labour und**]er many difficulties and inconvenienc[i]es by reason of their not being incorporated; therefore, for the remov[e]al [*thereof**],—

Be it enacted by the Governor, Council and House of Representatives,

Ashburnham made a town, by certain bounds.

[Sect. 1.] That the planta[*tion comm**]only known by the name of Dorchester-Canada, according to the bounds of the original grant thereof, made by [*the gen**]eral court the first day of June, 1736, being as follows; viz[t]., a tract of land of six miles square, bounding, [*sout**]herly, on the Narraganset[t] township, No. 2; westerly, on a township laid out for Tilton† and others; northerly, on a township laid out for Ipswich; and easterly, part on Townsend and part on Lunenbourg; it begins at a hemlock, the north-easterly corner of the said Narraganset[t] town, and runs, west, eighteen degrees south, seven miles, wanting twenty rods; from thence, north, twelve degrees east, eight miles and two hundred rods; and from thence, east, twelve degrees sou[*th**], seven miles and one hundred perch; from thence, southerly, by said Townsend line, one thousand one hundred and tw[*enty**] rods; and, by Lunenbourg line, six hundred and twenty rods, to where it first began: and the inhabitants of the sa[*me**] plantation, together with all the lands and farms included within the same boundaries, be and hereby are incorporated into a town by the name of Ashburnham; and that the same town be and hereby is vested with all the powers, privile[d]ges and immunities that any other of the towns in this province do or may by law exercise and enjo[*y**].

Preamble.

And whereas it is agreed, between the inhabitants of the plantation aforesaid and the proprietors of the common and undivided lands there, that a tax of three halfpence an acre be laid upon all the lands within the same (excepting Cambridge farm, the lands allotted and reserved for the ministry, the first minister there, and the school) for the space of three years from the five-and-twentieth day of January,

* Parchment mutilated. † "Tilestone," in the records.

[*Anno Domini*] one thousand seven hundred and sixty-four, sixty pounds whereof to be annually applied to and for the payment of the minister's salary, there, and the residue toward finishing the public meeting-house there; and for repairing the public road through the said plantation, from and after the aforesaid twenty-fifth day of January,—

Be it therefore enacted,

A tax of three halfpence an acre, established.

[SECT. 2.] That there be and hereby is granted a tax of three halfpence an acre, to be annually levied and assessed upon all the lands in the aforesaid township, excepting the lands and farm before excepted, for the term aforesaid, for the uses and purposes aforesaid; and that the proprietors aforesaid be thenceforward discharged and free from all further and other taxes and expences on account of those articles, and every of them, unless by order of this court.

And be it further enacted,

The first meeting, how to be notified.

[SECT. 3.] That Joseph Wilder, Esq[r]., be and he hereby is impowered to issue his warrant to some one of the principal inhabitants of the aforesaid new town, requiring him to warn the inhabitants thereof to assemble at the aforesaid meeting-house, some time in the month of March next, to chuse all town officers by law required for carrying on and manag[e]ing the affairs of the said town, and to assess, levy and collect the tax aforesaid. [*Passed February* 22, 1765.

CHAPTER 23.

AN ACT FOR REBUILDING THE GREAT BRIDGE OVER THE GREAT RIVER, IN THE TOWN OF WESTFIELD IN THE COUNTY OF HAMPSHIRE, AND MAINTAINING THE SAME.

Preamble.

WHEREAS the great bridge, built by the town of Westfield, in the county of Hampshire, over the great river there, a little below the mills commonly called Weller's Mills, has, by the violence of the stream, lately been carried away and destroyed; and it appearing that a bridge there, is necessary, not only for the inhabitants of the said town of Westfield, but also for the other towns in the said county of Hampshire; *and whereas* the charge of rebuilding and maintaining the said bridge would be too great a burthen on the inhabitants of the said town of Westfield, considering how many other bridges they are obliged to build and maintain in the said town,—

Be it enacted by the Governor, Council and House of Representatives,

The town of Westfield to be assisted by the county of Hampshire in building and repairing their great bridge.

That when and so often as the said town of Westfield shall make application to the court of general sessions of the peace, in and for the said county of Hampshire, for assistance to enable them to build and maintain a cart-bridge, of sixteen feet wide, across the great river, in said town, at or near the place where the last bridge stood, below the mills commonly called by the name of Weller's Mills, the court of general sessions of the peace aforesaid be and hereby are impowered and authorized to tax the inhabitants of the several towns and districts in the county aforesaid, or so many of them as they shall think reasonable, in such sum or sums as the said court shall agree upon from time to time, and to be added to each town's proportion of the county tax, and to be paid into and drawn out of the county treasury for the uses and purposes aforesaid. [*Passed February* 27, 1765.

CHAPTER 24.

AN ACT TO PREVENT THE DESTRUCTION OF SALMON AND OTHER FISH IN MERRIMACK RIVER, WITHIN THIS PROVINCE.

Preamble.

Whereas the salmon and other fish taken in Merrimack River, within this province, have been of great service to the inhabitants, and still will be so if due care is taken to prevent the unnecessary destruction thereof; *and whereas*, by the constant fishing with seines, nets and pots, and by erecting weares and other incumbrances, there, to prevent the passage and facilitate the taking of the fish, they are greatly diminished, and there is danger of their being wholly destroyed; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Salmon to be taken only three days in a week in Merrimack River, after 15th March, annually.

[Sect. 1.] That no person or persons, whatsoever, be allowed, from and after the fifteenth day of March next, and so during the continuance of this act, to catch salmon, or other fish of any kind, with sienes, nets, pots, or in any other way, in any part of Merrimack River, within this province, or in any of the rivers and streams running into Merrimack River, ofther than three days in the week,—the days to be Tuesday, Wednesday and Thursday in every week; and if any person or persons shall presume to catch fish there at any other times than hereby is allowed, every person or persons so offending shall, for each offence, forfeit and pay the sum of forty shillings; and the same net or pot used in such fishing shall be forfeited.

Penalty.

And be it further enacted,

Wears, &c., erected, accounted nuisances.

[Sect. 2.] That all weares, fences and other incumbrances now erected, or that hereafter shall be erected, in any part of Merrimack River, within this province, for the stopping the course of the fish, or to facilitate the taking of the fish by seines, nets, pots or otherwise, be deemed common nuisances, and as such shall be pulled down and demolished; and all persons that hereafter shall erect any such weares, fences or other incumbrances, or that shall continue such already erected, on due conviction thereof, shall forfeit and pay the sum of three pounds.

Forfeiture, on conviction.

Preamble.

And whereas it is found that fishing at the mouths or entrance of the rivers and streams that run into Merrimack River, and in the ponds that empty themselves into it, and in the brooks and rivulets that run into the said ponds, prevents the said fish from going into the said rivers and streams, and so into the ponds above, to cast their spawn, and tends to destroy the increase of said fish; therefore,—

Be it enacted,

No fish to be taken at the mouths of rivers, &c., running into Merrimack River, after 15th March.

[Sect. 3.] That no person or persons, from and after the said fifteenth day of March, shall, at any time during the continuance of this act, catch any salmon, shad or alewives, with seines, nets or pots, at the mouth or entrance of any such river or stream, or within one hundred rods of the same, nor in any of the ponds aforesaid, nor in any of the brooks or rivulets that run into the said ponds, on pain of forfeiting for each offence the sum of three pounds.

Preamble.

And whereas many persons who live out of this province, constantly fish in that part of Merrimack River that is within this province, at the proper seasons of fishing, and some provision ought to be made for the recovering of such persons the penalties inflicted by this act, if they offend against it,—

Be it therefore enacted,

Justice may issue his warrant for apprehending

[Sect. 4.] That, on complaint made to any justice of the peace for the county where any offence against this act shall be committed, against any person or persons for the breach of this act, or upon view

offenders not inhabitants of the province.

of any justice, such justice is hereby impowered to issue his warrant to apprehend such offender or offenders, and cause them to find sufficient sureties for their appearance at the then next court of general sessions of the peace for the county, to answer for their said offence; and on failure of finding sureties as aforesaid, to commit them to the common goal for the county; and such justice is also required to bind over the witnesses against such offending person.

And be it further enacted,

Towns bordering on Merrimack River, to choose persons to see to the observation of this act.

[SECT. 5.] That every town in this province, bordering on Merrimack River, and in which there are any ponds, streams or rivers emptying themselves into Merrimack River, where salmon, shad or alewives are taken, shall, during the continuance of this act, at their annual March meeting, choose two suitable and fit persons to see that this act is duly observed, and to inform against any person that shall offend against it, who shall be sworn to the faithful discharge of their duty; and if any person, chosen as aforesaid, shall refuse to be sworn, he shall forfeit and pay the sum of forty shillings, for the use of the poor of the town, to be recovered by the town treasurer; and such town shall proceed to a new choice.

And be it further enacted,

Fines and forfeitures, how to be recovered:

[SECT. 6.] That all fines and forfeitures incurred by any breach of this act shall be recovered, by action or information, in any of his majesty's courts of record, where other method of recovery is not directed; and all offences for fishing or obstructing the course of the fish, contrary to this act, shall and may be presented by the grand jurors for the respective counties where the offence is committed; and the said grand jurors are hereby enjoined diligently to enquire after, and duly to present, such offences.

And be it further enacted,

—how to be applied.

[SECT. 7.] That the fines and forfeitures incurred by offending against this act, where not otherwise disposed of, shall be paid to the treasurer of the county where the offence is committed, to be appropriated for the payment of the necessary county charges, except where any person commences a prosecution, by action or information; and in that case one-half of the forfeiture shall go to the prosecutor.

Provided, *always*,—

Proviso, with respect to Concord River.

[SECT. 8.] This act shall not be construed to affect the fishing in Concord River (except the clause respecting the fishing at the mouths or entrance of the rivers and streams that run into Merrimack River), but that the inhabitants of Concord and Sudbury may erect weares within their respective towns for taking fish in said river: *provided* they fish only three days in each week; viz., Tuesday, Wednesday and Thursday; and the inhabitants upon and at the mouth of said river may take fish, with seines or nets, two days in each week; viz., Tuesday and Thursday: and that said weares be kept open, and said fishing with seines or nets cease the rest of the time.

Limitation.

[SECT. 9.] This act to continue and be in force for the space of three years from the publication of it, and no longer. [*Passed February* 28, 1765.

CHAPTER 25.

AN ACT TO PREVENT THE DESTRUCTION OF OYSTERS IN THE SEVERAL BAYS AND RIVERS HEREAFTER MENTIONED, WITHIN THIS PROVINCE.

Preamble.

Whereas it hath been the practice for some years past for persons to come, with their vessels and boats, into the rivers and bays lying either in the towns of Wellfleet, Freetown, Swanzey, Dartmouth, Barnstable, Yarmouth, and in other of the bays, ports and rivers in this province, then and there to rake the oyster-beds, carry away from thence large quantities of oysters, by means whereof said beds are almost destroyed, to the great prejudice both of the English and Indian inhabitants living in or near to the towns aforesaid; for remedy whereof,—

Be it enacted by the Governor, Council and House of Representatives,

No person to sweep any oyster-beds without leave from the selectmen, &c.

[Sect. 1.] That if any person or persons shall, at any time after the twenty-fifth of March next, presume to take any oysters, or to rake or sweep any of the oyster-beds, lying either in the rivers or bays in either of the towns of Wellfleet, Freetown, Swanzey, Dartmouth, Barnstable, Yarmouth, or in any of the bays, ports or rivers in this province, without leave first had and obtained from the selectmen, or the major part of them, in writing, under their hands, in such town where the oysters may be taken, or where the beds may be raked or sweeped, as aforesaid, every person so offending shall forfeit and pay a sum not exceeding ten pounds, nor under forty shillings, to be recovered by action, information or presentment of a grand jury in any of his majesty's courts of record proper to try the same: unless the prosecutor shall see cause to bring the tryal before a justice of the peace, in which case the justice may try the same; and the fine shall be forty shillings, and no more, one-third thereof to and for the use of him that shall inform or sue for the same, the other two-thirds for the use of the poor of the town where the offence shall be committed.

Penalty.

Provided, nevertheless,—

Proviso, for inhabitants to take for their own eating.

[Sect. 2.] Nothing in this act shall be understood to hinder any inhabitant in this province from taking oysters for their own eating, or for market in their own town, without leave from the selectmen, as aforesaid: *provided* the same be not sent out of the province.

Limitation.

[Sect. 3.] This act to continue and be in force for the space of three years from the twenty-fifth of March next, and no longer. [*Passed February* 28, 1765.

CHAPTER 26.

AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS, WITHIN THIS PROVINCE, HEREAFTER MENTIONED.

Be it enacted by the Governor, Council and House of Representatives, in general court assembled,

Fees established. 1759-60, ch. 29

[Sect. 1.] That from and after the end of the session of the general court in May, one thousand seven hundred and sixty-five, the establishment of the fees belonging to the several officers hereafter mentioned, in this province, be as followeth; viz[t].,—

JUSTICE'S FEES.

Justice's fees.

For every writ of attachment or original summons, one shilling.
Summons upon a *capias*, or attachment, sixpence.
Subpæna, for each witness, one penny halfpenny.
Entring an action or filing a complaint in civil causes, two shillings.
Writ of execution, one shilling and fourpence.
Filing papers, each, a penny halfpenny.
Taxing a bill of cost[*s*]. threepence.
Entring up judgment in civil or criminal ca[*u*]ses, ninepence.
Copy of every evidence, original papers or records, eightpence per page for each page of twenty-eight lines, eight words in a line: if less than a page, fourpence.
A recognizance or bond of appeal, including principal and sureties, one shilling.
Taking affidavits out of their own courts in order for the trial [for][*of*] any cause, one shilling; and one shilling and sixpence for his travel every ten miles, and so in proportion; his travel to be certified on the affidavit.
Taking affidavits, *in perpetuam*, to each justice, one shilling.
For every oath administred to one or more witnesses before refer[r]-ees or arb[*r*]itrators, one shilling.
For travel, the same as in taking affidavits.
Swearing persons appointed to appraize estates, or to appraize and divide real estates, together with certificates, one shilling and sixpence.
Taking an acknowledg[*e*]ment with one or more seals, provided at one and the same time, one shilling.
Receiving a complaint and issuing a warrant in criminal cases, one shilling and sixpence.
Entring a complaint, making up judgment thereon, the same as in civil causes.
For granting a warrant, swearing appraizers, relating to strays, and entering the same, one shilling and sixpence.
For affidavits in all other cases, with certificates, and examining, except oaths to be administred to town, district and precinct officers, eightpence.

CORONER'S FEES.

Coroner's fees.

For serving a writ, summons or execution, and travelling fees, the same as by this act hereafter allowed to sheriffs.
Bail bond[*s*], one shilling.
Every trial where the sheriff is concerned, eightpence.
For attending the jury, one shilling.
For granting a warrant and taking an inquisition (to be paid out of the deceased's estate), six shillings; if more than one at the same time, seven shillings and sixpence in the whole; if no estate, then, to be paid out of the county treasury.
For travelling and expences for taking an inquisition, each day, four shillings.
The foreman of the jury, three shillings; and ten miles accounted a day's travel, one shilling per day;—
every other juror, two shillings and sixpence, and travel the same as the foreman.
The constable, for his expences, summoning the jury and attendance, four shillings per day.

JUDGE OF PROBATE'S AND REGISTER'S FEES.

Judge of probate's, and register's, fees.

For granting administration, —
to the judge, three shillings:

to the register, for writing letter and bond of administration, two shillings and sixpence.

For appointing or allowing guardians to minors: two shillings to the judge; and for writing bond, letter of guardianship and recording letter, three shillings to the register for every minor.

Proving a will or codicil: to the judge, three shillings and sixpence; to the register, two shillings and sixpence.

For examining and allowing inventory, and swearing the executor or executors, administrator or administrators, one shilling to the judge.

Recording a will, letter of administration or guardianship, inventory or account, of one page, and filing the same, one shilling and threepence;—

for every page more, of twenty-eight lines, of eight words in a line, eightpence.

For copy of a will and inventory, for each page, and other office copies, eightpence.

Allowing accounts, three shillings to the judge: decree for settling intestate estates; to the judge, three shillings.

For examining such accounts, one shilling.

A citation, ninepence.

A *quietus:* to the judge, [*one**] shilling; to the register, one shilling.

Warrant or commission for appraizing or dividing estates: one shilling and sixpence to the judge; to the [*register**], one shilling.

[*Ma**]king out commission to receive and examine the claims of creditors to insolvent estates; to the judge, one [*s**]hilling; to the register, one shilling: for recording, eightpence each page.

Registering the commissioner's report, each page, eightpence.

Making out and entering an order upon the administrators for the distribution of the estate; to the judge, one shilling and sixpence; to the register, one shilling.

For proportioning such estate among the creditors, agre[*e*]able to the commissioner's return, when the estate does not exceed fifty pounds, three shillings; and, if above that sum, four shillings for the whole.

For recording the same, eightpence per page.

And be it further enacted,

[Sect. 2.] That whenever any fees shall be paid in the probate office for the probate of a will and letters testamentary, or for granting letters of administration or letters of guardianship, or for any matter or thing from time to time arising in consequence of such letters testamentary or letters of administration or letters of guardianship, and until the estate upon which they are respectively granted shall be fully settled, a particular acount of such fees, before payment, shall, if demanded, be, by the register or judge, set down in writing, and given to the person paying the same; and any such fees, received without being thus ascertained in writing, shall be deemed illegal fees, and the person receiving the same shall forfeit and suffer accordingly.

IN THE SUPERIO[*U*]R COURT.

JUSTICE'S FEES.

Justices of the superior courts, fees.

Entering an action, six shillings and eightpence.

Taking special bail, one shilling and sixpence.

Allowing a writ of error, two shillings.

* Parchment mutilated.

Allowing a *habeas corpus*, one shilling and fourpence.
Taxing a bill of cost, eightpence.
For entering a petition, and making order thereon, for the sale or partition of real estates, and giving a copy of the same, seven shillings in the whole: the clerk to be paid for recording, as usual.
Granting a writ of protection, one shilling.

CLERK'S FEES.

Clerk's fees.

A writ of review, three shillings.
A writ of *scire facias*, two shillings.
A writ of execution, one shilling and sixpence.
A writ of *facias habere possessionem*, two shillings and sixpence.
A writ of *habeas corpus*, two shillings.
Copies of all records, each page of twenty-eight lines, eight words in a line, ninepence; less than a page, sixpence.
Entring each action for trial, four shillings.
Entring each complaint, two shillings.
Receiving and recording a verdict, one shilling.
Entring a rule of court, ninepence.
Confessing judgment or default, one shilling.
Every action withdrawn or nonsuit, one shilling.
Entring an appearance, sixpence.
Acknowledging satisfaction of a judgment, on record, eightpence.
Examining each bill of cost, eightpence.
Continuing each cause, and entering the same next term, one shilling.
Filing each paper in each cause, one penny halfpenny.
Proving a deed in court, and certifying the same, one shilling.
Entring up judgment and recording the same at large, two shillings.
For each *venire*, to be paid out of the county treasuries, respectively, on the justice's certificate, threepence.
Every writ and seal other than before mentioned, two shillings.
Subpæna for each witness, one penny halfpenny.
Each recognizance, including principal and sureties, one shilling.
A writ of protection, one shilling.

IN THE INFERIO[*U*]R COURT OF COMMON PLEAS.

JUSTICE'S FEES.

Justices of the inferior courts, fees.

Entring of every action, five shillings and fourpence.
Taxing a bill of cost, sixpence.
Taking a recognizance on appeals, including principal and sureties, one shilling.
Proving a deed, one shilling.
Granting a writ of protection, one shilling.

CLERK'S FEES.

Clerk's fees.

Every action entred, one shilling and fourpence.
Every writ and summons, sixpence.
Every appearance, fourpence.
Entring and recording a verdict, eightpence.
Recording a judgment, one shilling.
Copies of all records, each page of twenty-eight lines, eight words in a line, eightpence.
Every action withdrawn or nonsuit, eightpence.
Every execution, one shilling and fourpence.

Confessing judgment, or default, eightpence.
Acknowledging satisfaction of a judgment, on record, eightpence.
Continuing each cause, and entering at the next term, eightpence.
Each recognizance, including principal and sureties, one shilling.
Examining each bill of costs, sixpence.
Each *venire*, to be paid out of the county treasuries, respectively, by order of the court, threepence.
Writ of *facias habere possessionem*, two shillings.
Filing each paper, one penny halfpenny.
A writ of protection, one shilling.

ATTORN[EY'][*IE*]*S FEES, AND ALLOWANCE TO PARTIES AND WITNESSES.*

Attorney's fees; viz[t]., in the superior court, in a cause tried by a jury, twelve shillings; in other causes in said court[*s*], and in all causes in the inferior court, six shillings. Attorney's fees.

[Sect. 3.] To parties recovering costs, and to witnesses in civil and criminal causes, whether in the superior or inferior courts, or courts of general sessions of the peace, or before a justice, one shilling and sixpence for each day's attendance and travel, ten miles' travel to be accounted as one day; no allowance to be made to parties for travel to or from the clerk's office, in order to take out a writ or summons, or carry the same to the office.

IN THE COURT OF GENERAL SESSIONS OF THE PEACE.

To each justice, for every day's constant attendance in court, three shillings; to all justices in the shire town, or within ten miles of the court-house, and to all others, four shillings per day,—to be paid out of the county treasury; the clerk to keep [*a**]n exact account of their attendance as aforesaid, and all fines and forfeitures to be paid into the county treasury for the use of the county. Court of general sessions of the peace.

For granting every licence to retailers and in[n]holders, and taking their several recognizances, including principal and sureties, six shillings in the whole; one-third thereof to the clerk, the other two-thirds thereof to be paid into the respective county treasuries.

Each recognizance in criminal causes, including principal and sureties, one shilling.

CLERK-OF-THE-SESSIONS' FEES.

Entring a complaint or indictment, one shilling and fourpence. Clerk's fees.
Discharging a recognizance, eightpence.
Each warrant for criminals, one shilling.
Every summons or subpæna, twopence.
Every recognizance, including principal and sureties, one shilling.
Entring up judgment, or entring satisfaction of judgment, on record, one shilling.
Warrant for county tax, one shilling.
For minuting the receipts of each petition, and order thereon, and recording, eightpence per page, as before.
Examining and casting the grand jury's accounts, yearly, and order thereon, to be paid by the county treasurer by order of the court of sessions, one shilling and sixpence.
For copies of all records or original papers, eightpence per page, as before.

* Parchment mutilated.

For filing each paper, one penny.

For transmitting to the selectmen of each town in the county a list of the names of the persons in such town licen[c][s]ed the year before, threepence, to be paid by each person licen[c][s]ed, and no more.

FEES FOR REGISTERING SHIPS AND OTHER VESSELS, AGRE[E]ABLE TO ACT OF PARLIAMENT.

Register's fees.

For each register, exclusive of collector's fee[s], five shillings.

FEES IN THE SECRETARY'S OFFICE.

Fees for the secretary's office.

For certificates under the province seal, five shillings in the whole; two shillings thereof to the secretary.

For warrants of apprizement, survey, &c., six shillings in the whole; three shillings thereof to the secretary.

For a certificate of naval stores, three shillings in the whole.

For engros[s]ing the acts or laws of the general assembly, six shillings each, to be paid out of the public[k] revenue.

Every commission for the justices of each county, and commission of oyer and terminer, six shillings and eightpence, to be paid out of the publick revenue.

Special warrants or *mittimus* by order of the governor and council, each, two shillings and sixpence.

Every commission under the great seal, for places of profit, six shillings and eightpence, to be paid by the person commissionated.

Every bond, three shillings.

Every order of council to the benefit of particular persons, two shillings.

Every writ for electing of representatives to serve in the general court, directed to the sheriff or marshal[l], under the province seal, five shillings, to be paid out of the public[k] revenue.

For transcribing the acts or laws passed by the general assembly into a book, eightpence per page,—each page to contain twenty-eight lines, eight words in a line, and so proportionably,—to be paid out of the public[k] revenue.

Every commission for military officers, to be paid out of the public[k] treasury, two shillings.

SHERIFF'S OR CONSTABLE'S FEES.

Sheriff's or constable's fees.

For the service of an original summons, or *scire facias*, on one defendant, for trial, either by reading the same, or by copy, one shilling and fourpence: if served on more than one defendant, then for each other defendant so served, one shilling and fourpence.

For service of a *capias*, or attachment, on one defendant, with or without a summons, one shilling and fourpence: if served in like manner on more than one defendant, then for each other so served, one shilling and fourpence.

For a bail bond, including principal and sureties, to be paid by the person or persons admitted to bail, one shilling.

For serving an *habere facias possessionem*, exclusive of the poundage on the costs of court, six shillings; if on more than one piece of land, four shillings each.

For the costs on an *habere facias*, the same poundage as in personal actions.

For serving a warrant, one shilling and fourpence.

For the sheriff's aid in criminal cases, to each person, four shillings a day; and ten miles to be reckoned a day, and so in proportion for a less time.

For summoning of witnesses in criminal cases, for each witness, sixpence, and travel as in civil cases.

For levying executions in personal actions; viz[t]., for the first twenty pounds, or under, ninepence per pound; above that, not exceeding forty pounds, fourpence per pound: above that, not exceeding one hundred pounds, twopence per pound; for all above one hundred pounds, one penny per pound.

For travel, for the service of each execution or mean process or warrant to him directed, twopence per mile; the travel to be computed from the place of service to the court where the writ or execution shall be returned, by the way that is most commonly used; but one travel to be allowed to one writ or execution: and if the same be served on more persons than one, the travel to be computed from that place of service that is the remotest from the place of return, with all further necessary travel in serving such writ or execution on the others: the travelling fees and fees of service to be endorsed, by the sheriff or his deputy, on each mean process, or execution, otherwise not to be allowed.

For serving an execution, upon a judgment of court, for partition of real estates, to the sheriff, five shillings per day; and for travel and expence, threepence per mile out from the place of his abode: and to each juror, two shillings per day; and for travel and expence, threepence per mile.

Every trial, eightpence.

Every default, fourpence.

For making out every precept for the choice of representatives, sending the same to the several towns, and returning it to the secretary's office, one shilling and fourpence; to be paid out of the county treasuries, respectively.

To the officer attending the grand jury, each day, two shillings.

To the officer attending the petit jury, one shilling every cause.

For dispersing *venires* from the clerk of the superior court, and the province treasurer's warrant[s], and proclamations of all kinds, fourpence each.

Allowance for keeping the jail.

[Sect. 4.] For the encouragement unto the sheriff to take and use all possible care and diligence for the safe keeping the prisoners that shall be committed to his custody, he shall have such salary allowed him for the same as the justices of the court of general sessions of the peace within the same county shall think fit and order; not exceeding ten pounds per annum for the county of Suffolk, and not exceeding five pounds per annum, apiece, for the county * of Essex and Middlesex, and not exceeding three pounds per annum, apiece, in each of the other counties within the province: to be paid out of the treasury of such county.

CRYER'S FEES.

Crier's fees.

Calling a jury, fourpence.

A default or nonsuit, eightpence.

A judgment affirmed on complaint, eightpence.

A verdict, eightpence.

Said fees to be paid to the clerks of the respective courts, for the use of the cryers.

TO THE CAPTAIN OF CASTLE WILLIAM.

Captain-of-the-castle's fees.

For a pass to the castle for each vessel, two shillings in the whole: wood-sloops and other coasting vessels, for which passes have not been usually required, excepted.

* *Sic.*

GOALER'S FEES.

Jailer's fees

For turning the key on each prisoner committed, three shillings; viz[t]., one shilling and sixpence in, and one shilling[s] and sixpence out.

For dieting each person, for a week, four shillings.

MESSENGER OF THE HOUSE OF REPRESENTATIVES.

Messenger of the house of representatives, fees.

For serving every warrant from the house of representatives, which they may grant for arresting, imprisoning, or taking into custody any person, one shilling and sixpence.

For travel, each mile out, twopence per mile.

For keeping and providing food for such person, each day, one shilling and sixpence.

For his discharge or dismission, one shilling and sixpence.

GRAND JURORS' FEES.

Grand-jurors' fees.

Foreman, per day, two shillings and sixpence.

Each other juror, two shillings.

PETIT JURORS' FEES.

Petit-jurors' fees.

To the foreman, in every cause at the superior and inferior courts, or sessions, three shillings.

To every other juror, two shillings.

FOR MARRIAGES.

Fee for marriages.

For each marriage, to the minister or justice officiating, four shillings.

For recording it: to the town clerk, to be paid by the minister or justice, fourpence; and to the clerk of the sessions, to be paid by the town clerk, twopence.

To the town clerk, for every publishment of the banns of matrimony, and entring thereof, one shilling.

Every certificate of such publishment, sixpence.

Recording births and deaths, each, twopence.

For the certificate of the birth or death of any person, threepence.

COUNTY REGISTER'S FEES.

County register's fees.

For entring or recording or copying any deed, conveyance or mortgage, for the first page, ninepence; and eightpence per page for so many pages more as it shall contain, accounting after the rate of twenty-eight lines, of eight words in a line, to each page; and proportionably for so much more as shall be under a page; and threepence for his attestation on the original, of the time, book and folio where it is recorded: the fees to be paid at the offering the instrument;—

and for a discharge of a mortgage, eightpence.

And be it further enacted,

Penalty for taking excessive fees.

[SECT. 5.] That if any person or persons shall demand and take any greater fee or fees, for any of the services aforesaid, than are by this law provided, he or they shall forfeit and pay to the person or persons injured, the sum of ten pounds for every offence, to be recovered in any court proper to hear and determine the same.

And be it further enacted,

Costs to be taxed in all criminal prosecutions, and how to be paid.

[SECT. 6.] That in all criminal prosecutions in the superior court of judicature, court of assize and general goal delivery, and in the courts of general sessions of the peace, when the party or parties prosecuted shall be ordered to go without day, or when, being convict, shall not

have sufficient goods or estate to pay costs of prosecution, in every such case it shall be in the power of the court before whom such acquittal or conviction shall be, to tax such costs for court charges as the case shall appear to require, not exceeding the fees or costs stated by this act; and such costs so taxed by the courts of general sessions of the peace, shall be paid out of the respective county treasuries; and such costs so taxed by the superior court of judicature, court of assize and general goal delivery shall be paid by the sheriffs of the respective counties, out of such fines and forfeitures as may have arisen and been incurred by force of any judgment or sentence of such court; and allowance shall be made by the province treasurer to the several sheriffs for any sums paid as aforesaid: and when and so often as it shall happen that any sheriff shall not have in his hands any monies received for fines and forfeitures as aforesaid, such costs shall be paid out of the province treasury.

Allowance to be made to the sheriff.

[Sect. 5.] This act to continue and be in force three years, and no longer. [*Passed March* 5, 1765.

Limitation.

CHAPTER 27.

AN ACT IN ADDITION TO, AND IN EXPLANATION OF, TWO ACTS MADE AND PASSED IN THE PRESENT YEAR OF HIS MAJESTY'S REIGN, THE ONE, INTITLED "AN ACT FOR DETERMINING THE TIMES FOR HOLDING THE SUPERIOR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY IN THE SEVERAL COUNTIES WITHIN THIS PROVINCE;" THE OTHER, INTITLED "AN ACT DETERMINING AT WHAT TIMES AND PLACES THE SEVERAL INFERIOR COURTS OF COMMON PLEAS AND COURTS OF GENERAL SESSIONS OF THE PEACE SHALL BE HELD WITHIN AND FOR THE SEVERAL COUNTIES OF THE PROVINCE, FOR THE FUTURE."

Preamble.

Whereas, in and by an act made and passed in the present year of his majesty's reign, intitled "An Act for determining the times for holding the superior court of judicature, court of assize and general goal delivery in the several counties within this province," it is, among other things, enacted as follows; viz., "That all appeals, writs of review, recognizances, warrants, processes, matters or things whatsoever, returnable to, or which might have been proceeded on, adjudged and determined at, any court, the time for holding which is altered by this act, shall be in like manner returnable to, and may in like manner be proceeded on, adjudged and determined at, the court in the same county to be holden next after by virtue of this act;" and in and by another act, made and passed in the present year of his majesty's reign, intitled "An Act determining at what times and places the several inferior courts of common pleas and courts of general sessions of the peace shall be held within and for the several counties in the province for the future," it is, among other things, enacted as follows; viz., "That all original writs, summons, warrants, recognizances, executions, processes, matters or things of what kind soever, returnable to, or which might have been adjudged, determined or acted upon at, any court, the time for holding of which is altered by this act, shall be in like manner returnable to, adjudged, determined and acted upon at, the court in the same county to be holden next after by virtue of this act;" *and whereas* it may be doubtful whether the said clauses, or either of them, extend to the service of executions which are returnable to any court the time for holding which is altered by the said acts, after the day when, by law, such executions would have been returnable if the said acts had not passed,—

1764-65, chap. 17, § 2.

1764-65, chap. 20, § 2.

Be it therefore enacted by the Governor, Council and House of Representatives,

Service of executions rendered valid, the alteration of the times for holding the several courts notwithstanding.

[SECT. 1.] That the service of all executions already made, or which shall be made, after the day on which such executions would, by law, have been returnable if the time for holding the courts to which they are or may be returnable had not been altered by the before-mentioned acts, and before the day on which they are made returnable by force of the said acts, shall be deemed as valid and effectual, to all intents and purposes whatsoever, as if such service had been made before the day on which they would, by law, have been returnable if the said acts had not been made and passed.

Preamble.

And whereas divers writs, summons and other processes have issued, or may issue, within the several counties of the province, after the passing of the aforesaid acts, and such writs, summons or other processes may have been, or may be, made returnable to the court to which, by law, they would have been returnable, if the aforenamed acts had not been made and passed,—

Be it therefore further enacted,

Writs, summons and other processes, established.

[SECT. 2.] That all writs, summons and processes whatsoever, which have issued or been commenced, or may issue or commence, after the passing the aforenamed acts, which are, or may be, made returnable on such day as, by law, they would have been returnable, if the said acts had not passed, shall still be deemed returnable to the court to be held on such day, unless the time of holding such court be altered by one or other of the said acts; and in such case such writs, summons or other process shall be and are hereby declared to be returnable to the court to be held within and for the same county next after, and shall, to all intents and purposes, be as valid and effectual in law as if the said acts had not been made and passed. [*Passed March* 5, 1765.

CHAPTER 28.

AN ACT TO CARRY INTO EXECUTION AN ORDER OF THE GENERAL COURT, FOR NUMBERING THE PEOPLE WITHIN THIS PROVINCE.

Preamble.

WHEREAS the great and general court of this province, the second day of February, one thousand seven hundred and sixty-four, came

Reciting an order of court.

into the following order; viz., "Upon consideration of his excellency's message of the nineteenth, currant, ordered, that the selectmen of each town and district in this province, chosen for the year one thousand seven hundred and sixty-four, do, as soon as conveniently may be, take an exact account of the number of dwelling-houses, families and people, of their respective towns and districts, including as well Indians civilized, negroes and molattoes, as white people; and females as well as males; and distinguish them in this form; namely,—

White people under sixteen years,	Males, Females,
Above sixteen years,	Males, Females,
Families,	
Houses,	
Negroes and molattoes,	Males, Females,
Indians,	Males, Females,

and return the same into the secretary's office, by the last day of December next;"* *and whereas* several of the selectmen of towns and

* Council Records, vol. xxv., p. 185.

districts within this province have complied with the abovesaid order, and divers others have neglected their duty therein, and have not made return as directed, by which neglect the design of the said order has been evaded; for remedy whereof, and that a uniform return may be made, agreeable to his majesty's requisition, by his ministers, to his excellency the governor, therefore,— Which order not having been fully complied with,—

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the selectmen of such town and district within this province (chosen for the year one thousand seven hundred and sixty-four) where the above order has not been complied with, or the survivors of them, do take an exact account of the number of dwelling-houses, families and people, agreeable to the form aforementioned, and make return thereof unto the sheriffs of the several counties, respectively, on or before the twenty-fifth day of May next; and in case of refusal or neglect of their duty, to forfeit and pay to his majesty, for the use of the county where such offence shall arise, the sum of fifty pounds; to be recovered by the treasurer of the said county in any court of record proper to try the same. Is enforced by this act. Penalty on the selectmen's neglect.

And be it further enacted,

[Sect. 2.] That in case any master or mistress of any family shall refuse to give a proper and true list when required by one or more of the selectmen of any town or district, he or she shall forfeit the sum of forty shillings; to be recovered by the treasurer of such town, for the use of the poor thereof, before any of his majesty's justices of the peace in such county. [*Passed March* 5, 1765. Penalty on heads of families' refusal to give them an account.

CHAPTER 29.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED, AND WINE, AND UPON LIMES, LEMMONS AND ORANGES.

We, his majesty's most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous of lessening the present debt of the province, have chearfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the end and use above mentioned, and for no other use, an excise upon all rum and other spirits distilled, and upon all wines whatsoever, and upon lemmons, limes and oranges, to be raised, levied and collected, and paid in manner and form following:— Preamble.

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-five, and until the twenty-sixth day of March, one thousand seven hundred and sixty-six, every person already licensed, or that shall be hereafter licensed, to retail rum or other spirits distilled, or wine, shall pay the duties following:— Time of this act's continuance.

For every gallon of rum and spirits distilled, eightpence.

For every gallon of wine of every sort, eightpence.

For every hundred of lemmons or oranges used and consumed in making punch, or otherwise for sale by taverners and innholders only, eight shillings.

For every hundred of limes used and consumed in making punch, or otherwise for sale by taverners and innholders only, three shillings.

—And so proportionably for any quantity or number.

And be it further enacted,

[Sect. 2.] That every retailer of rum, wine or spirits distilled, Accounts to be taken.

taverner and innholder, shall, on the twenty-sixth day of March, one thousand seven hundred and sixty-five, take a just and true account, in writing, of all wine, rum and spirits distilled, then by him or her, or in his or her possession; and that every person who shall be hereafter licenced to be a taverner, innholder and retailer of wine, rum or spirits distilled, shall take a like account of all wine, rum and other spirits distilled by him or her, or in his or her possession at the time of such licence granted; and every taverner, innholder and retailer of rum or other spirits distilled, or wine, shall make a fair entry, in a book by them respectively to be kept for that purpose, of all such rum, or other spirits distilled, or wine, as he or she, or any person or persons for him or her, shall buy, distill, take in or receive, after such first account taken, and when and of whom the same was bought and taken in; and at the expiration of the said year shall take a just and true account how much thereof then remains by them; and shall, in writing, under their hands, render to him or them that shall collect the duties aforesaid the whole of those several accounts, and shall also make oath, in the form following, before such collector or collectors, who are hereby impowered to administer the same:—

Form of the oath.

You, A. B., do swear that the account by you now rendered is, to the best of your knowledge, a just and true account of all wines, rum and distilled spirits you had by you, or in your possession, on the twenty-sixth day of March, one thousand seven hundred and sixty-five, and also of all the wine, rum and other distilled spirits bought, distilled, taken in or received by you, or by any person or persons for or under you, or by or with your knowledge, allowance, consent or connivance, and that there still remains thereof in your possession, unsold, so much as is in this account said to remain by you unsold; and that there has not been by you, or by any other person or persons for or under you, by your order, allowance, consent or connivance, either directly or indirectly, sold, used or consumed any wine, or any liquor for, or as, wine; any rum or distilled spirits, or liquor for, or as, rum or distilled spirits; or, if a tavernor or innholder, that there has not been any limes, lemmons or oranges by you, or by any person or persons for or under you, or by your order, consent, allowance or connivance, used in making punch, or otherwise for sale, since the said twenty-fifth day of March, one thousand seven hundred and sixty-five, besides what is contained in the account by you now rendered. So help you God.

Penalty for collector's receiving accounts without oath.

—and every collector of the excise who shall receive any account from any person, in consequence of this act, without their making oath to the same, as aforesaid, shall forfeit and pay for the use of the government the sum of twenty pounds.

[SECT. 3.] And for every person that was not licenced on the same twenty-sixth day of March, the form of the oath shall be so varied as that instead of expressing the day aforesaid, the time of taking their licence shall be inserted and used.

Duties to the collector.

[SECT. 4.] And every such taverner, innholder and retailer shall pay the duties aforesaid to him or them that shall collect the same, on the whole of the several articles mentioned in such account rendered, *saving only* for such part thereof as remains in their hands unsold: *provided, nevertheless*, that for ordinary leakage, &c., ten per cent shall be allowed them on all liquors in such account mentioned, besides what remains in their hands unsold, and what they shall on oath depose they have lost by extraordinary leakage, or other casualties.

Ten per cent allowed for leakage.

And be it further enacted,

Taverners, &c., to give bond.

[SECT. 5.] That every person hereafter licensed to be a taverner, innholder or retailer of any wine, rum or spirits distilled shall, within thirty days after such licence granted, and before he or she shall sell by virtue of the same, not only become bound to keep good rule and

order, as by law is already required, but shall also become bound, with sufficient sureties, by way of recognizance, to his majesty, for the use of this government, in a sufficient sum, to be ordered by the court that grants the licence, which sum shall not exceed three hundred pounds nor be less than fifty pounds, conditioned that they shall keep and render the accounts aforesaid, and pay the duties aforesaid, as in and by this act is required.

Provided, nevertheless,—

And it is hereby enacted and declared,

Recognizances put in suit may be chancered as other bonds.

[Sect. 6.] That all recognizances taken in consequence of this act, and, on forfeiture, put in suit in any court of record within this province, may, by such court, be chancered down to the just debt and damage (where that can be known), as other bonds may be by the laws of this province, already enacted.

And be it further enacted,

Licenses not to be renewed if former excise is not paid.

[Sect. 7.] That no such taverner, innholder or retailer shall be licenced by the justices of the general sessions of the peace, who have not accounted with the collector, and paid him the excise, aforesaid, due from such person at the time of his or her taking or renewing his licence.

Preamble.

And whereas, notwithstanding the laws made against selling strong drink without licence, many persons, not regarding the penalties of said act, do receive and entertain persons in their houses, and sell great quantities of spirits and other strong drink, without licence; by reason whereof great debaucheries are committed and kept secret, and such as take licences and pay the duties of excise therefor are greatly wronged, and the government thereby defrauded,—

Be it therefore enacted,

Forfeiture for selling without license.

[Sect. 8.] That if any distiller, importer, or any other person whatever, after the said twenty-fifth day of March, shall presume, directly or indirectly, to sell any rum or other distilled spirits, or wine, in less quantity than fifteen gallons, or any beer, ale, cyder, perry or other strong drink, in any quantity less than three gallons, without licence first had and obtained from the court of general sessions of the peace in that county, and recognizing in manner as aforesaid, shall forfeit and pay for each offence the sum of two pounds and costs of prosecution, two thirds for the use of the government, and the other third for the prosecutor.

Preamble.

And whereas divers other persons than those licenced to sell rum and other distilled spirits by retail, have heretofore supplied persons employed by them in the fishery, building vessels, and in other business, without paying any excise therefor, and thereby have defrauded the government of the duties of excise, and have not been subject to the penalty provided by law against selling drink without licence, and the same practice will probably be continued unless effectual care be taken to prevent the same,—

Be it therefore enacted,

Persons not licensed, supplying those employed by them in the fishery, &c., with spirituous liquors, to be deemed sellers.

[Sect. 9.] That all persons not licensed as aforesaid, who shall hereafter by themselves, or by any other person or persons under them, or by their orders, allowance or connivance, supply any person or persons employed by them in the fishery, building of vessels, or any other business or employ, with rum or any other distilled spirits, or wine, shall be deemed and taken to be sellers of such liquors, and be subject to the aforesaid pains and penalties provided against persons selling any of the liquors aforesaid without licence, and shall be recovered in like manner, unless they make it appear that such wine, rum or other distilled spirits was purchased of a taverner, innholder or retailer, or other person or persons that had licence or permit to sell the same.

And be it further enacted,

Vessels employed in the cod- and whale-fishery allowed 20 gallons free of excise.

[SECT. 10.] For the encouragement of the cod-and whale-fishery, that all rum and other spirits, consumed by such persons as are employed in said business out of this province, be exempted from paying excise, and that there be allowed for the consumption of each vessel's crew, usually fishing upon George's Banks and to the eastward and southward thereof, the quantity of twenty gallons for each trip or fare; and that every master or owner of such vessel or vessels that shall, after the twenty-sixth day of March next, supply any such vessel with any rum or spirits, on a fishing voyage, and produce an account thereof to the collector, under oath, not exceeding the aforesaid quantity of twenty gallons for one trip or fare, shall be allowed the same drawback as is provided in this act on rum and other spirits exported out of this province.

And be it further enacted,

One witness sufficient for conviction.

[SECT. 11.] That when any person shall be charged with selling strong drink without licence, one witness produced to the satisfaction of the court or justice before whom the trial is, shall be deemed sufficient for conviction. And when and so often as it shall be observed that there is a resort of persons to houses suspected of selling strong drink without licence, any justice of the peace in the same county shall have full power to convene such persons before him, to examine them upon oath concerning the persons suspected of selling or retailing strong drink in such houses, outhouses or other dependencies thereof; and if upon examining such witnesses, and hearing the defence of such suspected person, it shall appear to the justice there is sufficient proof of the violation of this act by selling strong drink without licence, judgment may thereupon be made up against such person, and he shall forfeit in like manner as if process had been commenced by action or information before the said justice; or otherwise the said justice may bind over the person suspected, and the witnesses, to the next court of general sessions of the peace for the county where such person shall dwell.

And be it further enacted,

Penalty on persons refusing to give evidence.

[SECT. 12.] That if any person or persons shall be summoned to appear before a justice of the peace, or the grand jury, to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace, or other court proper to try the same, to give evidence on the trial of any person informed against, presented or indicted for selling strong drink without licence, and shall neglect or refuse to appear, or to give evidence in that behalf, every person so offending shall forfeit the sum of forty shillings and costs of prosecution; the one half of the penalty aforesaid to be to his majesty for the use of the province, and the other half to and for the use of him or them who shall sue for the same as aforesaid. And when it shall so happen that witnesses are bound to sea before the sitting of the court where any person or persons informed against, for selling strong drink without licence, is or are to be prosecuted for the same, in every such case, the deposition of any witness or witnesses, in writing, taken before any two of his majesty's justices of the peace, *quorum unus*, and sealed up and delivered into court, the adverse party having first had notice, in writing, sent to him or her, of the time and place of caption, shall be esteemed as sufficient evidence, in the law, to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of trial, and given his, her or their deposition *viva voce;* and every person or persons who shall be summoned to give evidence before two justices of the peace, in manner as aforesaid, and shall neglect or refuse to appear, or to give evi-

dence relating to the facts he or she all* be enquired of, shall be liable and subject to the same penalty as he or she would have been, by virtue of this act, for not appearing, or neglecting or refusing to give his or her evidence before the grand jury or court aforesaid.

And be it further enacted,

How fines, &c., are to be recovered.

[Sect. 13.] That all fines, penalties and forfeitures arising by this act shall and may be recovered by action or information before any court of record proper to try the same; and, where the sum forfeited does not exceed forty shillings, by action or information before any one of his majesty's justices of the peace in the respective counties where such offence shall be committed: which said justice is hereby impowered to try and determine the same. And the said justice shall make a fair entry or record of all such proceedings: *saving*, *always*, to any person or persons who shall think him- or themselves aggrieved by the determination of the said justice, liberty of appeal therefrom to the next court of general sessions of the peace to be holden for and within said county, at which court such offence shall be finally determined: *provided*, that in the same appeal the same rules be observed as are already required by law, in appeals, from justices, to the court of general sessions of the peace, *saving*, *only*, that the recognizance for prosecuting the appeal shall be four pounds.

Collectors to attend in each town or district.

[Sect. 14.] And that the respective collectors shall attend at some convenient place in each town or district in this province, in order to receive and settle all accounts relating to said excise, in the several towns of the county where he is collector, first giving seasonable and public notice of the time and place or places where said business shall be transacted; and no collector shall demand or take any fee for such attendance, settlement or travel, upon the penalty of ten pounds, to be recovered by action or information, or in any court of record: one half to the informer, and the other half for the use of the province.

Collectors already chosen are to see to the execution of this act:

And whereas there have been collectors in each county already appointed by the general court to take charge of this duty of excise,—

[Sect. 15.] Such collectors shall be upon oath to take care of the execution of this law, and to prosecute the breakers of it.

—and may appoint deputies.

[Sect. 16.] And every collector of excise in any county may substitute and appoint one or more deputy or deputies under him, upon oath, to collect and receive the excise aforesaid which shall become due in said county, and pay in the same to such collector, which deputy and deputies shall have, use and exercise all such powers and authorities as in and by this act are given or committed to the collector for the better collecting the duties aforesaid, or prosecuting offenders against this act; for the doings of which deputies the collectors respectively shall be accountable.

[Sect. 17.] And the said collectors shall carefully examine the accounts of every licenced person in their respective counties, and demand, sue for and receive the several sums due from them by this act, and shall give in the name of every licenced and permitted person, and an account, under their hands, of the particular sums they receive, and of whom received, unto the treasurer, upon oath; which oath the treasurer is hereby impowered and directed to administer, in the words following; viz.,—

Form of the oath.

You, A. B., do swear that this is a just and true account of the excise upon all wines, rum and distilled spirits, limes, lemons and oranges, by you received or by you secured to be paid in the county of ; and that you have not wilfully neglected swearing any person of or for whom the same was received or secured, in manner and form as by law is prescribed. So help you God.

* "Shall"?

Collectors to give two receipts for every sum received.

[SECT. 18.] And at the time of receiving any money, the said collector shall give two receipts, of the same tenor and date, mentioning what sum or sums they have received from any taverner, innholder or retailer; one of which receipts to be, by the said taverner, innholder or retailer, returned to the court of general sessions of the peace within their respective counties, at the next session of such court, and the clerks of said court shall, within thirty days after receipt thereof, transmit the same to the treasurer or receiver-general.

Collectors' fees.

[SECT. 19.] And such collectors shall pay in to the publick treasury of this province all such sums as they shall receive, within fifteen months from the date of their commission, on pain of forfeiting the reward given such collectors by this act; who shall be allowed, in the counties of Suffolk, Essex and Middlesex, two per cent, in the counties of Plymouth, Bristol, Hampshire and Worcester, two and an-half per cent, and in the other counties, three per cent, on all money by them collected and paid into the treasury as aforesaid: each collector, before he enters into the said office, to give bond for treble the sum it was farmed for, in the respective counties, in the year one thousand seven hundred and fifty-seven, with sureties, to the treasurer of this province for the time being, and his successors in said office; which bond shall be executed before the next court of general sessions of the peace, in the respective counties where the said collectors live, or before two of his majesty's justices of the peace in the respective counties, one to be of the *quorum:* one of the said justices to return the certificate to the clerk of the sessions within thirty days, as aforesaid, and be transmitted to the treasurer of the province by the clerk of the peace within such county, within three months after the bond is executed; and the said treasurer shall put in suit the bonds of all such collectors who shall neglect to make due payment within fifty days after the day of payment.

Bond to be given to the treasurer, for treble the sum that the excise was farmed for.

And be it further enacted,

Penalty for collectors' or deputies' offending.

[SECT. 20.] That in case any collector of the excise as aforesaid, or his deputy, shall, at any time during their continuance in that office, wittingly and willingly connive at, or allow any person or persons in their respective divisions, not licensed by the court of general sessions of the peace, their selling any wines, rum or other liquors by this act forbidden, such collector or deputy, for every such offence, shall forfeit the sum of fifty pounds and costs of prosecution; one half of the penalty aforesaid to be to his majesty for the use of this province, the other half to him or them that shall inform and sue for the same, and shall be thenceforward forever disabled from serving in said office: *saving*, that said collector may give a permit to any person to sell rum or other spirits distilled, or wine, in quantity from fifteen gallons and upwards, agreeable to this act.

Provided, always, and it is the true intent and meaning of this act,—

Proviso.

[SECT. 21.] That if any taverner or retailer shall sell to any other taverner or retailer any quantity whatever of distilled liquors and wine, such taverner or retailer, selling as aforesaid, shall not be held to pay such duty, but the taverner or retailer who is the purchaser shall pay the same; and the seller as aforesaid, shall and hereby is required to deliver to the collector of this duty a true account of such liquors sold as aforesaid, and to whom sold.

And to the end that the revenue arising from the excise upon spirituous liquors may be increased, and raised with more equality,—

Be it enacted,

Duties to be paid upon all liquors imported or manufactured.

[SECT. 22.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-five, to the twenty-sixth day of March, one thousand seven hundred and sixty-six, upon all rum and other distilled spirits, and all wine imported and manufactured, and sold

for consumption within this province, there be laid and is hereby laid the duties of excise following; viz.,—

For every gallon of rum and spirits distilled, eightpence.

For every gallon of wine of every sort, eightpence.

—To be paid to the collector of excise, or his deputy, by every person having permit to sell the said liquors, in each county, respectively.

And be it further enacted,

[Sect. 23.] That every person that shall import any of the liquors aforesaid, or to whom any of them shall or may be consigned, shall be and hereby is prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his deputy. And every person distilling or manufacturing any of the said liquors, and every person owning or possessing any of them, excepting such as are or may be licenced by the court of general sessions of the peace, as aforesaid, shall be and hereby are prohibited from selling the same, or any part thereof, without having a permit so to do from the collector of excise, or his deputy, on forfeiture of twenty-five pounds and of the value of the liquors so sold. Liquors not to be sold by the importer, &c., without a permit

Provided, *nevertheless*,—

[Sect. 24.] That any person who shall have any of the liquors aforesaid, in the hands of any distiller, or other permitted person, and shall draw an order for delivering the same, or any part thereof, not less than fifteen gallons, to any person or his order, the person only who shall be the receiver of the same liquors shall be obliged to take a permit, and be held to account and pay the duties of excise due thereon. Proviso.

Provided, *nevertheless*,—

[Sect. 25.] That the impost officer and his deputy shall be and hereby are respectively impowered to grant a permit for selling the liquors aforesaid, or any of them, to any person applying for the same, until a collector be appointed in each county, respectively, to whom the duty of excise shall be paid as aforesaid, and until the collector shall give public notice of his appointment as aforesaid. And the said impost officer and deputy shall transmit, to the collector of each county, an account of the permits by each of them, respectively, granted to persons living in such county, and shall give to the collector, when required, an account of all the liquors imported from time to time, for the better securing the excise. Proviso.

And be it further enacted,

[Sect. 26.] That every person having permit, as aforesaid, shall, at the end of the year from the twenty-fifth day of March, one thousand seven hundred and sixty-five, be ready to render to the collector aforesaid, or his deputy, an account, on oath, of all the liquors aforesaid by him or her, or any person or persons in his or her behalf, sold; and also of all the aforesaid liquors by him or her imported, distilled or manufactured, or which have come into his or her possession since the twenty-fifth day of March aforesaid, except the same were bought of a licenced person in a quantity less than fifteen gallons, which in his or her family have been consumed or expended within said year; which account shall express the number of gallons of each kind of the liquors so sold and consumed; and shall pay therefor to the said collector or his deputy the duty aforesaid, excepting for so much as shall have been sold to taverners, innholders or retailers having licence from the sessions as aforesaid, or to any other persons having permit as aforesaid, and so much as shall have been exported out of this province; and if any of said liquors shall have been sold to persons licenced by the sessions, or to persons having permit, said account shall exhibit the names of such licenced persons who purchased, and persons having permit, and time when they purchased the same; and the persons accounting shall Persons having permit as aforesaid, to render an account to the collector at the end of every half-year: *saving*, &c.

exhibit a certificate under the hand of the licenced or permitted person purchasing, which shall express the number of gallons, and the kind of the liquors purchased, and the time when the same was purchased, and the name of the town and county wherein such licenced permitted person lives, and shall lodge the said certificate with the said collector, or his deputy; and for the quantity of the said liquors mentioned in such certificate, the said collector or his deputy shall not demand any duty, but shall deliver said certificate to the collector of the county wherein such licenced or permitted persons, signing the same, lives; which last-mentioned collector or his deputy shall settle with such licenced or permitted person for the duty aforesaid which may be due from him or her.

Persons having permit as aforesaid, to give an account of liquors by them sent out of the province.

[SECT. 27.] And if any person having a permit or licence, as aforesaid, shall ship or export any of the liquors aforesaid out of this province in a quantity not less than twenty-five gallons, and shall produce to such collector, or his deputy, when he comes to settle his account of excise, one of the receipts or bills of lading given therefor by the master of the vessel on board which such liquors shall be shipped (or if it shall be carried out of the province by land, or in small boats, then of the person who is master of the land-carriage or boat), expressing the quantity thereof and the time of their being shipped, and shall lodge such receipt or bill of lading with the collector or his deputy aforesaid, and at the same time shall swear that such liquors are *bonâ fide* sent, or intended to be sent, out of the province, he or she shall not be held to pay the duty thereon aforesaid.

Persons not having permit, to render an account, &c.

[SECT. 28.] And if any person not having permit or licence shall purchase, for exportation out of this province, any of said liquors, in a quantity not less than twenty-five gallons, of a person having permit or licence, the purchaser shall, within ten days after shipping the same, deliver one of the receipts or bills of lading given for such liquors, as aforesaid, to the person of whom he purchased the same, or be subject to pay the amount of the duty thereon to the person of whom he purchased the same as aforesaid, who shall pay such duty to the collector or his deputy; but if the purchaser aforesaid shall deliver such receipt or bill of lading as aforesaid, and it be lodged with the collector or his deputy, then, for the quantity of said liquors mentioned therein, the collector or his deputy shall not demand any duty.

Penalty for masters' or others' giving certificate without receiving the liquors.

[SECT. 29.] And if the master of any vessel, or any other person, shall give such certificate, receipt or bill of lading, without receiving the liquors mentioned therein, or if any person shall procure such certificate, receipt or bill of lading, with design to defraud the government, and shall be thereof convicted, they and each of them shall forfeit and pay the sum of one hundred pounds, two thirds for the use of this government, and the other third for the use of the prosecutor. And if any such certificate, receipt or bill of lading shall be forged, counterfeited or altered, the person forging, counterfeiting or altering shall incur the penalty of one hundred pounds.

Proviso.

Provided, nevertheless,—

[SECT. 30.] That the person having permit as aforesaid shall not sell any of the liquors aforesaid in a quantity less than fifteen gallons (to be sold and delivered to one person at one time), unless he or she has licence from the court of general sessions of the peace, as aforesaid, on pain of incurring the several fines and penalties in the former part of this act, laid upon those persons who sell the liquors aforesaid without licence.

And be it further enacted,

Persons applying for a permit, to give bond.

[SECT. 31.] That every person applying to the collector or his deputy, or to the impost officer or his deputy, for a permit, shall give

bond, for the use of this province, with or without sureties, in a sum not exceeding two hundred pounds nor less than twenty pounds, at the discretion of the collector or impost officer, conditioned for the payment of the excise that shall become due according to the account to be exhibited by such person taking such permit; and no person shall have such permit of the collector or impost officer until he has given such bond.

Preamble.

And whereas the importer of the liquors aforesaid, or the person to whom they shall be consigned, may intend the same either for sale or for his or her own private consumption, in which case such importer or consignee is not sufficiently held by any preceeding part of this act to pay the duty or excise aforesaid; wherefore, in order to lay said duty or excise in as equal a manner as may be,—

Be it enacted,

Persons importing liquors for private consumption, &c., to render account thereof to the collector.

[Sect. 32.] That every person that shall bring or import into this province, either by land- or water-carriage, any of the liquors aforesaid, either for sale or private consumption, shall, within ten days, pay or secure to the collector the duties or excise due thereon; and in case of failure herein, and being thereof convicted in any court of record within the same county, shall forfeit and pay a fine not exceeding one hundred pounds, nor less than twenty pounds; two thirds thereof for the use of this government, and the other third to him or her that shall inform and sue for the same: *provided*, *nevertheless*, such importer or consignee be licensed or permitted, then he shall be held only to report the same to the collector of excise, and at the end of the year shall make out an account expressing the kind and full quantity of the liquors aforesaid, imported or consigned as aforesaid; and when the account is rendered to the collector or his deputy, it shall be upon oath; and such importer or consignee shall pay to the said collector or his deputy, on the liquor or liquors mentioned in said account, the duty of excise aforesaid, deducting ten per cent for ordinary leakage, besides extraordinary; and in case of failure therein, the offender shall pay a fine of four pounds, and treble duty or excise on the quantity so imported or brought in, two thirds of which shall be for the use of the province, the other third for him or them that shall inform and sue for the same.

And be it further enacted,

Collectors to grant a permit on penalty.

[Sect. 33.] That the collector, or his deputy, shall be and hereby is obliged to grant a permit, under his hand, to every person applying for the same and offering security, on the penalty of two hundred pounds, to and for the use of the person making application; which permit shall be in the form following; viz.,—

Form of the permit.

You, A. B., of C., in the county of D., are hereby permitted to sell rum and other distilled spirits, and wine, or any of said liquors, within the county of , untill the day of , one thousand seven hundred and , pursuant to an act of this province, made in the fifth year of his majesty's reign, intituled "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." Dated at C., this day of , 176 .

A. B., *Collector* (*or deputy-collector*) *of excise for the county aforesaid.*

Fee for a permit.

And for such permit the said collector or deputy shall be entituled to receive twopence, and no more; and the like sum for an entry made with him, and the like sum for a certificate given by him.

And be it further enacted,

Collector to keep an office in each seaport town, &c.

[Sect. 34.] That the collector of excise, either by himself or his deputy, shall keep an office in each seaport town within his county, where he or his deputy shall give his attendance on every Thursday, from nine of the clock in the morning to twelve at noon, to grant permits, to receive entries, give certificates, &c.

Provided,—

[SECT. 35.] That in the town of Boston such an office shall be kept and attendance given on every day, Lord's Day only excepted, within the hours aforesaid of each of said days respectively.

Provided, also,—

[SECT. 36.] That the said collector or his deputy, on application made, shall at any other time grant permits, receive entries and give certificates aforesaid.

Preamble.

And whereas persons not belonging to this province may import the liquors aforesaid, and take permit to dispose of the same, and may go out of the province before the time comes about when persons selling said liquors are held to account with the collector, and by that means may avoid paying the duty upon what has been so disposed of; for preventing whereof,—

Be it enacted,

Persons importing liquors as aforesaid, to give bond.

[SECT. 37.] That every person importing the liquors aforesaid, and applying to the collector or his deputy for a permit to sell the same, shall give bond to said collector, in a sum not exceeding two hundred pounds nor less than twenty pounds, with one surety, to be approved of by a justice of the peace, that he will render to the said collector or his deputy an account, on oath, of the kind and full quantity of the liquors aforesaid sold by him, or by any person or persons on his behalf, and that he will pay thereon the duty or excise aforesaid before he leaves the province; and if such person shall refuse to give such bond, the said collector or his deputy shall not be obliged to grant him a permit, anything in this act to the contrary notwithstanding; and if such person shall sell any of the liquors aforesaid without permit, he shall be subject to all the penalties that other persons selling without permit are subject to; or if such person shall give bond as aforesaid, and shall leave the province before such bond be discharged, the collector may bring his action on such bond against the surety, for the recovery of the sum in such bond mentioned, which shall be, one third for the use of the prosecutor, the other two thirds for the use of this government.

Be it further enacted,

Deputy collectors liable to military duties.

[SECT. 38.] That no person shall be exempted from any military duty by means or on account of his being appointed a deputy collector of the duties or excise of spirituous liquors, but shall be liable, to all intents and purposes, to train, be impressed and perform every other military duty, as if such person had not been appointed a deputy collector as aforesaid.

Be it further enacted,

All persons who had permits or license to sell liquors, and shall not renew the same, to account for the duties.

[SECT. 39.] That all persons who took out permits in the preceeding years, and do not renew the same, shall, at the end of the year from and after the twenty-fifth day of March next, and until the twenty-sixth day of March, one thousand seven hundred and sixty-six, render to the collector or his deputy that shall or may be appointed in the respective counties by vertue of this act, an account, on oath, of all liquors remaining in their hands and consumed in his, her or their families during the continuance of this act, and pay the duties herein imposed, deducting ten per cent for ordinary leakage besides extraordinary leakage, upon penalty of twenty pounds, one half to the informer, the other half to and for the use of this province.

Be it further enacted,

Collector of the duties of excise, to account for all wine, &c., sold or consumed by them.

[SECT. 40.] That every person that has been or may be appointed collector of the duties aforesaid, who shall import into this province, or shall have, by consignment or otherwise, or shall sell or dispose of any wine, rum or spirits distilled, limes, lemmons or oranges, or shall use

or consume the same, such collector shall take, keep and render a like account thereof, upon oath, to the province treasurer (who is hereby impowered to administer the same in the form by this act prescribed), and pay to him the like duties thereon as such person so appointed collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the collector of the duties aforesaid; and that the same be done in like manner and time, and under the like pains and penalties, as by this act in such cases is provided.

Be it further enacted,

How fines, &c., arising by this act, are to be disposed of.

[Sect. 41.] That all fines, penalties and forfeitures arising or accruing by any breach of this act, and not otherwise appropriated, shall be two thirds to his majesty, for the use of this government, and the other third for the use of the prosecutor, to be recovered by action or information in any of his majesty's courts of record.

And be it enacted,

Collectors already chosen declared to be the officers to execute this act.

[Sect. 42.] That the several collectors by the general court chosen, in the present session, on the thirty-first day of January last, before the passing this act, be and hereby are declared to be collectors of the several duties granted by this act, to all intents and purposes, as if chosen after the passing the same, giving bonds as by this act required.

And to the end that the most beneficial use may be made of the monies proposed to be raised by this act,—

Be it enacted and declared,

Moneys arising hereby, appropriated to discharge the interest on government securities.

[Sect. 43.] That all the monies thence arising, and paid into the publick treasury, shall be and hereby are appropriated to the payment of the interest due on securities given by the province treasurer for the payment of sums heretofore borrowed, and to no other use. [*Passed March* 7, 1765.

CHAPTER 30.

AN ACT FOR ALLOWING NECESSARY SUPPLIES TO THE EASTERN INDIANS, AND FOR REGULATING TRADE WITH THEM AND PREVENTING ABUSES THEREIN.

Preamble. 1763–64, chap. 32.

Whereas an act intitled "An Act for allowing necessary supplies to the eastern Indians, and for regulating trade with them and preventing abuses therein," is near expiring, and it is expedient for his majesty's service that other provision should be made instead thereof,—

Be it enacted by the Governor, Council and House of Representatives,

Indians to be supplied by persons appointed by the general court.

[Sect. 1.] That provisions, cloathing and other suitable supplies for a trade with the Indians, be procured with the several sums that have been, now are, or shall hereafter be granted for that purpose by the general court, and applied, from time to time, for supplying the said Indians as aforesaid, by such person or persons as shall be annually chosen by the court, who shall proceed according to the instructions they shall receive from this court, or from the commander-in-chief for the time being, by and with the advice of the council, on any emergency in the recess of the court: *provided* such instructions and directions be consistent with such instructions as are or may be given by the general court; and all supplies of cloathing, provisions or other necessaries shall be lodged at such places in the eastern parts of this province, and elsewhere, as the general court have ordered, or may hereafter order.

And be it further enacted,

Truck-masters, how to be appointed.

[Sect. 2.] That a suitable person be appointed by this court for each of the places where any of the goods aforesaid are lodged, as

truck-masters for the management of the trade with the Indians; and be paid for his service such sum or sums as this court shall judge reasonable for his allowance in said capacity; and in case of the death or removal of any one or more of said truck-masters during the recess of the court, another shall be put in his room by the commander-in-chief, with the advice of the council; and all truck-masters shall be under oath, and give sufficient security to the province treasurer for the faithful discharge of their trust, and shall observe the instructions which, from time to time, shall be given them, and they shall not trade, either by themselves or by any person under them, with the Indians, except it be in the capacity of a truck-master; neither may any officer or soldier, residing at or within any of the truck-houses, or any other person in the pay of this government, either on account of themselves, or any other person or persons, presume to trade with the Indians, on board any ship or vessel or transport, in those parts, for any of the aforementioned goods; nor shall it be lawful for any person or persons to sell, truck, barter or exchange with any Indian or Indians, any strong beer, cyder, wine, rum, brandy or any other strong liquors, cloathing, or any other thing whatsoever the Indians may want, on penalty of forty shillings, or three months' imprisonment for each and every offence above mentioned.

To be under oath and give security.

Their duty prescribed.

No other persons in the truck-houses permitted to trade with the Indians.

Penalty.

*

And be it further enacted,

Prices of goods sold to the Indians, and of furs received from them, regulated.

[SECT. 3.] That the said truck-master shall sell the goods to the Indians at the prices set in the invoices sent them from time to time by the commissary, which shall be the same which he gave for the goods in the town of Boston, with a reasonable advance thereon, sufficient to pay the charge of transportation and all other charges arising thereon; and shall allow the Indians, for their furrs and peltry, as the market shall be at Boston, according to their several qualities, by the latest advices that they shall receive from the said officer, who shall send the prices to the several truck-masters at least twice in a year; viz., every spring and fall; and the truck-masters may supply the Indians with rum in moderate quantities, as they shall, in prudence, judge convenient and necessary.

Truck-masters to conform to such prices.

[SECT. 4.] And in case any of the truck-masters shall presume to sell any goods at higher rates than they are set at by the government, or shall charge the government more for any furrs or other goods than they allowed the Indians therefor, such truck-master, being convicted thereof, shall forfeit and pay the sum of fifty pounds, and shall thenceforth be altogether disabled to hold or exercise any office within this government; and the more effectually to prevent or detect any such pernicious practices, each and every truck-master, when and so often as he shall settle and adjust his accounts with the said officer appointed by this court for supplying the Indians (which shall be at least once in a year, and oftner if required), shall make oath before the said officer, who is hereby authorized and appointed to administer the same, in manner following; viz.,—

On penalty of £50, &c.

And to make oath to his accounts.

Truck-master's oath.

You, A. B., do swear that the goods committed to you for the supply of the Indians, have been sold at no higher rate than they were set at by the government, and that you have charged for the furs and goods you have made return of, no more than you have paid the Indians for them; and that neither you, nor any one under you, or by your connivance, have, on your private account, made any trade or barter with the Indians since the commencement of this act. So help you God.

And for the better discovery of such ill-disposed persons, who, through greediness of filthy lucre, and regardless of the public good, shall privately sell or deliver any sort of strong drink to any Indian or

Indians, of which it is difficult to obtain positive evidence, other than the accusation of such Indian or Indians,—

Be it further enacted,

[Sect. 5.] That the accusation and affirmation of any Indian or Indians, the accuser and the accused being brought face to face at the time of trial, shall be accounted and held to be a legal conviction of the person accused of giving, selling, or delivering strong drink to such Indian or Indians, unless the person accused shall acquit himself, upon oath, which the court, in all such cases, are hereby impowered to administer in the form following; viz.,— Method of conviction of privately selling strong drink to the Indians.

You, A. B., do swear that neither yourself, nor any other by your order, general or particular assent, privity, knowledge or allowance, directly or indirectly, did give, sell or deliver any wine, cyder, rum or other strong liquors or drink, by what name or name soever called or known, unto the Indian by whom or whereof you are now accused. So help you God.

And be it further enacted,

[Sect. 6.] That upon the complaint or information of any other person for the breach of this law, there being such circumstances as render it highly probable, in the judgment of the justice of the peace before whom the trial shall be, that the person complained of is guilty of the breach of the said act; then and in every such case, unless the defendant shall acquit himself upon oath, to be administred to him by the justice before whom the trial shall be, the same shall be accounted a legal conviction of the defendant, for the breach of this law, of which he or they shall be accused, and he or they shall pay and suffer the penalty already by this act provided; but in case the defendant shall acquit himself upon oath, to be administred to him as aforesaid, that then he shall recover against the complainant double his cost occasioned by such prosecution. Defendant may acquit himself upon oath.

And whereas many complaints have been made by the Indians respecting the English hunters destroying beaver and other furr, also the beaver dams, and there being danger of great mischief ensuing therefrom,— Preamble.

Be it therefore further enacted,

[Sect. 7.] That no person or persons, other than Indians, from and after the twentieth day of June next, shall hunt or take any beaver, sables or other furrs, to the northward or eastward of Saco truck-house, or the place where the said truck-house stood, except in the towns or plantations where they dwell, on penalty of forty shillings for every such offence, to be recovered by complaint to a justice of the peace, in manner aforesaid; and in case any such furr be found in the possession of any person or persons who has hunted contrary to this act, and who cannot give a satisfactory account, to the justice of the peace before whom the trial may be, how they came by the same, it shall be a sufficient evidence to convict such person or persons of a breach of this act; and he or they shall forfeit the said furr, and incur the penalty aforesaid. English hunters restrained from hunting beaver, &c. Method of conviction. Forfeiture.

And be it further enacted,

[Sect. 8.] That the fines and penalties incurred by this act shall be disposed of, one half to the informer, and the other half to be paid to the truck-master in whose district the same may be tried, for the relief of Indian widows and children who may most stand in need of the same. Penalties applied.

And be it further enacted,

[Sect. 9.] That if any person or persons shall hereafter be convicted of false swearing in any case in this act mentioned, he or they shall be liable to the same pains and penalties as is already by law provided against wilful perjury. Penalty for false swearing.

Provided, nevertheless,—

Proviso for persons to trade with the Indians, being licensed.

[SECT. 10.] That it shall and may be lawful to and for the governor or commandar-in-chief for the time being, by and with the advice of his majesty's council, to grant licences unto such persons as they shall find it necessary, to trade with the Indians; such persons so licenced giving bond, with sufficient bondsmen, in a competent penalty, to conform to such regulations, limitations and restrictions as the governor, with the advice of the council, shall determine.

Limitation of the act.

[SECT. 11.] This act to continue and be in force for one year from the end of the session of the general court, in May, one thousand seven hundred and sixty-five. [*Passed March* 7, 1765.

CHAPTER 31.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED OR NEAR EXPIRING.

Acts revived.

WHEREAS the several acts hereinafter mentioned, which are expired or near expiring, have been found useful and beneficial; namely, one act made in the ninth and tenth years of the reign of King George the Second, intituled "An Act to enable the overseers of the poor, and selectmen, to take care of idle and disorderly persons;" two acts made in the twenty-ninth year of the same reign; one, intituled "An Act for preventing petitions to the general court, relating to licences for retailing strong drink and keeping houses of publick entertainment;" the other, intituled "An Act in addition to the several acts and laws of this province, now in force, respecting poor and idle, disorderly and vagrant, persons;" two acts made in the thirty-third year of the same reign, one intituled "An Act relating to ferries;" the other, intituled "An Act to enable the town of Weymouth to regulate and order the taking and disposing the fish called shadd and alewives, within the limits of that town;" one act made in the second year of his present majesty's reign, intituled "An Act for rendering more effectual the laws already made relating to shingles, and for regulating the assize of staves, hoops and clapboards:"—

To enable overseers of the poor, &c. 1736-37, ch. 4.

For preventing petitions to the general court. 1755-56, ch. 39.

Respecting poor and disorderly persons. 1755-56, ch. 43.

Ferries. 1759-60, ch. 21.

Weymouth fish-act. 1759-60, ch. 32.

Regulating assize of shingles, &c. 1762-63, ch. 5.

Be it therefore enacted by the Governor, Council and House of Representatives,

Continuation.

That such of the beforementioned acts as are expired, be revived, and such of the said acts as are not yet expired, be continued, with all and every article, clause, matter and thing therein respectively contained, and shall be in force until the twenty-fifth day of March, which will be in the year of our Lord one thousand seven hundred and seventy. [*Passed March* 7, 1765.

CHAPTER 32.

AN ACT IN ADDITION TO AND IN EXPLANATION OF AN ACT, INTITULED "AN ACT FOR PROVIDING AND MAINTAINING TWO ARMED VESSELS TO GUARD THE COAST, AND FOR SUPPLYING THE TREASURY WITH SEVEN THOUSAND POUNDS FOR THAT END."

Preamble. 1756-57, chap. 12, § 9.

WHEREAS, in and by an act made in the second * year of his majesty's reign, intitled "An Act for providing and maintaining two armed

* The act intended is evidently the act referred to in the margin, and bearing this title. It was passed in the thirtieth year of the reign of George II. No such act was passed in the reign of George III., previous to the date of the present chapter;

vessels to guard the coast, and for supplying the treasury with seven thousand pounds for that end," it is, among other things, provided, that nothing in the said act shall be construed to extend to any quantity of any of the commodities, in the said act mentioned, "which shall be sold for consumption out of this province, to any person not belonging thereto; and the person selling shall produce a certificate from the purchaser, under oath, that he, *bonâ fide*, purchased the same with intent to carry it out of this government, and there to be consumed"; *and whereas* doubts have arisen on those words, "to any person not belonging thereto," and some have apprehended that altho' the said commodities shall be sold for consumption out of the province, yet if they are sold to an inhabitant of this province, that the said act extends to them,—

Be it therefore enacted by the Governor, Council and House of Representatives,

That nothing in the said act shall be construed to extend to any quantity of the commodities in said act mentioned, which shall be sold for consumption out of this province: *provided*, that the person selling shall produce a certificate from the purchaser, under oath, that he, *bonâ fide*, purchased the same, with intent that it should be carried out of this province, there to be consumed; and that he verily believes it has been carried out of the province, and that, for ought he knows, has been or will be there consumed according. [*Passed March* 7, 1765.

Inhabitants selling teas, &c., to be carried out of the province, not to pay the excise.

CHAPTER 33.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

We, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the publick debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted,— Preamble.

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the twenty-fourth day of March, one thousand seven hundred and sixty-five, to the twenty-fifth day of March, one thousand seven hundred and sixty-six, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz.,—

For every pipe of wine of every sort, five shillings. Rates of impost

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of sugar, fourpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, ten shillings.

For every ton of bar-iron, eight shillings per ton.

although certain duties imposed by 1756-57, chapter 12, were continued by an act of the third year of that sovereign's reign (1763-64, chapter 8). This mistake in the regal year appears in the original bill as well as in the printed act, and, presumably, in the engrossment, also, which is missing.

For every pound of tea that shall be imported from any of his majesty's plantations in America, fourpence.

—And so, proportionably, for a greater, or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings' value, excepting such goods as are imported from Great Britain.

Double impost to be paid for goods imported by the inhabitants of other colonies, &c.

[SECT. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize (excepting tea, which shall only pay fourpence) that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of the said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided*, *always*, that every thing which is the growth or produce of the provinces or colonies aforesaid (tobacco and bar-iron excepted), and all provisions, salt, cotton-wool, pig-iron, mahogany, brazilleto, black-walnut, lignum-vitæ, red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

Proviso.

And be it further enacted,

Drawback of the whole impost to the exporter, in case.

[SECT. 3.] That all goods, wares and merchandize, the property of any of the inhabitants of any of the neighbouring provinces or colonies on this continent, that shall be imported into this province, and shall have paid, or on which there shall have been secured to be paid, the duty of impost, by this act provided to be paid, and afterwards shall be exported and landed in any of the said provinces or colonies on this continent, then and in such case the exporter, producing a certificate from some officer of his majesty's customs, that the same has been landed in some of the provinces or colonies aforesaid, shall be allowed a drawback of the whole duty of impost by him paid, or secured to be paid, as by this act provided.

And be it further enacted,

Masters of vessels to make report.

[SECT. 4.] That the master of every ship or vessel coming into this province from any other place, shall, within forty-eight hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner aforesaid, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantities of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that, if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he shall forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

To forfeit, in case of breaking bulk.

[SECT. 5.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[SECT. 6.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or

having the same consigned to them, shall make entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz.,—

Oath.

You, A. B., do swear that the entry of goods and merchandize, by you now made, and the value thereof annexed, is, *bonâ fide*, according to your best skill and judgment, agreeable to the price current or the market price of said goods. So help you God.

Duties to be paid before landing.

—which oath the commissioner or receiver, appointed in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

[Sect. 7.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or in any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[Sect. 8.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consigned, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

Commissioner allowed to give credit.

[Sect. 9.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds; which credit shall be so limited as that he shall settle and ballance his accompts with every person, on or before the twenty-fifth day of March, one thousand seven hundred and sixty-six, that the said accompts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry, to what value soever.

And be it further enacted,

Importer by land-carriage, or in small vessels, to make report.

[Sect. 10.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fourth day of March, one thousand seven hundred and sixty-five, and until the twenty-fifth day of March, one thousand seven hundred and sixty-six, by land-carriage, or in small vessels or boats, shall, within twenty-four hours after importation, make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed or put into any store or place whatsoever, under penalty of ten pounds.

And be it further enacted,

Allowance for leakage.

[Sect. 11.] That every merchant or other person importing any wines in this province, shall be allowed twelve per cent for ordinary leakage, besides extraordinary: *provided* such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine

that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for that port, on pain of forfeiting the sum of one hundred pounds.

[SECT. 12.] And if it may be made to appear that any wines imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered or the duty not paid.

[SECT. 13.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

Master liable to be sued.

[SECT. 14.] That the commissioner or receiver of impost in each port, shall be and hereby is impowered to sue the master of any ship or vessel for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, aforesaid, as shall remain not entered and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ships, &c., liable to be taken in execution.

[SECT. 15.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost hath not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of the said ship or vessel, and detain the same under

seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures, or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto the owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[Sect. 16.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store to be allowed.

[Sect. 17.] And the commissioner or receiver of impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

Preamble.

And for the more effectual preventing any wines, rum or other distilled spirits being brought into the province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost,—

Be it enacted,

Commissioner to appoint officers in places where wines, rum, &c., may be brought out of other governments.

[Sect. 18.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impowered and enjoined to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are impowered also to search, in all suspected places, for such wines, rum or other distilled spirits, or for tea, brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided.

And be it further enacted,

Commissioner or deputy empowered to administer the oaths, &c.

[Sect. 19.] That the commissioner or his deputies shall have power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

And be it further enacted,

The commissioner or deputy, upon information of any liquors being brought into

[Sect. 20.] That if the said commissioner, or his deputy, shall have information of any wines, rum or other distilled spirits, or tea, being brought into and landed in any place in this province, for which the duties aforesaid shall not have been paid after their being brought

this province, and the duty not paid, to apply to a justice for a warrant to search, &c.

into or relanded in this government, he may apply to any justice of the peace within the county, for a warrant to search such place; and said justice shall grant such warrant, directed to some proper officer, upon said commissioner or his deputy's making oath that he has had information as aforesaid; and having such warrant, and being attended by such officer, the said commissioner or his deputy may, in the daytime, between sunrise and sun-setting, demand admittance, of the person owning or occupying such place, and, upon refusal, shall have right to break open such place; and, finding such liquors or tea, may seize and take the same into his own custody; and the commissioner aforesaid, or his deputy, shall be and hereby is impowered to command assistance, and impress carriages necessary to secure the liquors or tea seized as aforesaid; and any person refusing assistance, or preventing any of the officers aforesaid from executing their office, shall forfeit five pounds to the said commissioner; and he or his deputy shall make reasonable satisfaction for the assistance aforesaid and carriages made use of, to secure the liquors or tea seized as aforesaid; and the commissioner or his deputy shall then file an information of such seizure in the inferiour court of common pleas for the county where such seizure shall be made, which court shall summon the owner of such liquors or tea, or the occupier of such shop, house or warehouse, or distill-house, were* the same were seized, to appear and shew cause, if any he has, why such liquors or tea so seized shall not be adjudged forfeited; and if such owner or occupier shall not shew cause as aforesaid, or shall make default, the said liquors or tea shall be adjudged forfeited, and the said court shall order them to be sold at public vendue; and the nett produce of such sale shall be paid, one half to the province treasurer for the use of this province, and the other half to the said commissioner.

And be it further enacted,

Tonnage of shipping.

[SECT. 21.] That there shall be paid, by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jersey, Connecticut, New York, New Hampshire, Rhode Island and Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the governments aforesaid, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the uses and ends aforesaid.

Vessels to be measured, if suspected.

[SECT. 22.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessel, before she shall be cleared, in case she shall appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

Drawback for wine, rum, and tea, allowed, in case.

[SECT. 23.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which

* Sic: "where."

shall have been paid agreeable to this act, shall be reshipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wines or rum or tea shall make oath, at the time of the shipping, before the receiver of impost, or his deputy, that the whole of the wine or rum or tea so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government, or the master of the vessel in which the same shall be exported shall make oath, before the commissioner or his deputy, that the same has been landed and left in some port out of the government, and the exporter, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines, rum or tea has been relanded in this province, such exporter shall be allowed a drawback from the receiver of impost as follows; viz.,—

For every pipe of wine, four shillings.

For every hogshead of rum, seven shillings and sixpence.

And for every pound of tea, fourpence.

Provided, *always*,—

Proviso.

[Sect. 24.] That if, after the shipping of such wines or rum or tea, to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum or tea, so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so relanded and brought again into this province, shall be forfeited, and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[Sect. 25.] That there be one fit person, and no more, nominated and appointed by this court as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatever relates thereunto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and tunnage of shipping as aforesaid that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and tunnage arising on said vessel may appear; and the same to lie open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it.

[Sect. 26.] And the said commissioner or receiver, and his deputy or deputies, before their entering upon the execution of their said office, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon, until one in the afternoon. And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary for whatever sums they shall receive and pay; and the treasurer is

hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries as aforesaid to himself and his deputies.

And be it further enacted,

Charges of prosecution, how to be paid, in case.

[SECT. 27.] That all penalties, fines and forfeitures, accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

Disposition of forfeitures.

[SECT. 28.] That from and after the commencement of this act, in all causes wherein any claimant shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed March* 8, 1765.

CHAPTER 34.

AN ACT FOR PREVENTING THE UNNECESSARY DESTRUCTION OF ALEWIVES, AND OTHER FISH, WITHIN THIS PROVINCE.

Preamble. 1709–10, ch. 7. 1727, ch. 10. 1734–35, ch. 8. 1737–38, ch. 4. 1739–40, ch. 15. 1741–42, chaps. 16 and 20. 1743–44, ch. 26. 1745–46, ch. 20. 1754–55, ch. 31. 1757–58, ch. 37. 1759–60, ch. 32. 1761–62, ch. 11, 1763–64, ch. 27. 1764–65, chaps. 10 and 24.

WHEREAS the laws already provided against the destruction of fish called alewives, and other fish, do not, in divers circumstances, reach the case of divers rivers and ponds where said fish usually go to cast their spawn, so that great waste is made of them by ill-minded persons, to the great damage of the publick,—

Be it enacted by the Governor, Council and House of Representatives,

No person to draw seines, &c., or set up wears in any rivers but in Connecticut and Merrimack Rivers. Penalty.

[SECT. 1.] That from and after the fifteenth day of March next, no person or persons whosoever, shall, on any pretence, presume to stretch, set or draw any siene or drag-net, or set up any weares or other fishing engines, in any part of the rivers, or ponds adjacent thereto, within this province (Merrimack and Connecticut Rivers only excepted), where the fish usually spawn, or use any other instrument for the catching of alewives but by dip-nets or scoop-nets, on penalty of a fine of five pounds for each offence, to be paid by every person concerned in taking alewives or other fish in either of the ways forbidden by this act.

And be it further enacted,

Or in any ponds.

[SECT. 2.] That no person or persons whosoever, shall, on any pretence, presume to stretch, set or draw any seine or drag-net, for the catching of fish of any sort in any of the fresh ponds in this province, on penalty of the fine of five pounds for each offence, to be paid by every person concerned in taking fish in said ponds in either of the ways forbidden by this act; and the seine or net may be seized by any person or persons, and shall be forfeited.

Preamble, reciting a defect in a former act. 1741–42, chap. 16, § 5.

And whereas, by an act or law of this province, made in the fifteenth year of his late majesty's reign, intitled "An Act in addition to an act made to prevent the destruction of fish called alewives, and other fish," it is therein enacted "That it shall be in the power of any town, at their annual meeting in March, to choose one or more persons whose business it shall be to see that the passage-ways are open, pursuant to said act, and that said fish may not be obstructed in their usual passing up and down stream, and to appoint the proper place or places for the taking such fish with scoop-nets, and to limit the particular times and days for taking the same;" but no provision is made in said act to

oblige the persons so chosen to serve in said business, or to do their duty therein, neither is there any limitation as to the quantities of said fish that shall be taken, in each town, for pickelling and barrelling for a market, by reason whereof many mischiefs arise,—

Be it therefore enacted,

Persons chosen to see the act executed, to be under oath.

[Sect. 3.] That when any person or persons shall be chosen in any town, at their annual meeting in March, to see that passage-ways are open, agreeable to the aforecited paragraph of said act, that every such person shall be under oath to the faithful performance of said trust; and any person, chose as aforesaid, shall, on his refusal, be subject to the penaty of three pounds, and to be proceeded with in order to the recovery thereof in the same way and manner as persons are by law who refuse to serve as constables.

And be it further enacted,

Selectmen to determine the quantity of fish to be taken.

[Sect. 4.] That where any town, district or propriety that hath any river or stream that lets the alewives into their natural ponds to cast their spawns, have a desire to catch any of said fish to pickle and barrel up for a market, that, in every such case, where said river or stream runs through or into more towns, districts or proprieties than one, except where the right of taking fish is otherwise vested, the selectmen of the said several towns, districts, and a committee of the proprietors that are or may be affected thereby, shall, some time in the month of March annually, during the continuance of this act, meet together at such time and place as the selectmen of the oldest town shall agree upon, and then determine what quantity of alewives shall be barrelled up from year to year for a market in the several towns, districts or proprieties they belong to, the votes to be collected according to the major part of those that represent the towns, districts and proprieties said streams pass through or run into, and not according to the number of the voters; and when so done, the selectmen of each town, district or proprietors' committee, are hereby impowered to let out the said privilege for the most it will fetch, for the use of their several towns, districts or proprieties, in such way and manner as they shall judge most beneficial; and where any town, district or propriety have a stream or streams as aforesaid, that do not run into any other town, district or propriety, that in such case the selectmen or proprietors' committee shall have the sole power, from year to year, during the continuance of this act, to determine what number of barrels shall be caught for a market as aforesaid, and shall have the same power of letting out and improving the said rivers or streams in the same manner, as before mentioned, where the town, district or propriety join as aforesaid.

To let out the privilege.

Be it further enacted,

Penalty on taking the fish otherwise.

[Sect. 5.] That if any person or persons shall presume to catch any alewives for marketing, contrary to the allowance or order of the selectmen, and said propriety's committee, where proprieties are concerned, or the selectmen, where no propriety is concerned, or propriety, where they are only concerned, they shall, every of them, be subjected to the penalty of five pounds for each offence.

Preamble.

And whereas some disputes have arisen, or may arise, whether tide-mills that have or shall be set up on or across the mouth of the rivers where the fish aforesaid usually go up into the natural ponds to cast their spawns, are within the intent of the last-recited act, and ought to be regulated accordingly,—

Be it enacted,

Tide-mills comprehended.

[Sect. 6.] That all tide-mills that have been erected across any such rivers or streams since the making of the aforesaid act, or that shall hereafter be so erected, shall be understood to be comprehended

in said act, and the owners and occupants, and all others concerned, shall conform thereto accordingly, and be subject to the same penalties, for their neglect, as if tide-mills had particularly been named in said act.

Penalties disposed of.

[SECT. 7.] And all the aforesaid fines, penalties and forfeitures arising for any breach of this act shall be disposed of, the one half to his majesty for the use of this government, the other half to him or them that shall inform and sue for the same.

And be it further enacted,

Method of conviction.

[SECT. 8.] That the manner, rules and methods of convicting offenders against this act, be the same as are directed and provided in and by an act made in the twelfth year of the reign of his majesty King George the First, intitled "An Act in addition to and for rendering more effectual an act made in the tenth year of the reign of King William the Third, intitled 'An Act for preventing trespasses;'" and that the grand jurors in the respective counties present all breaches of this act.

1726-27, chap. 3.

Provided,—

Proviso respecting menhaden.

[SECT. 9.] That nothing in this act shall be understood to restrain the catching of fish called munhadens, with seines or drag-nets, after the first day of June, and until the first day of October, annually, or, in Connecticut River, at any time of the year.

Provided, also,—

Proviso respecting Merrimack and Mystic Rivers.

[SECT. 10.] That nothing in this act shall be construed to extend to Merrimack River, or to any of the streams and rivers running into the same; and that the fish aforesaid may be taken in the river commonly called Mistick River, two days in a week; viz., on Monday and Thursday, with one seine and one draught only in each day; and that the said fish shall not be taken in the towns of Cambridge or Charlestown on more than three days in a week, from three to eight of the clock in the afternoon, with scoop-nets only, and that not in more than two places in each town, such places to be assigned by the selectmen of said towns; and that all such fish as the selectmen of the towns of Charlestown, Cambridge and Medford shall agree to be taken for sale, shall be equally divided between the said three towns.

Provided, also,—

Proviso respecting Charles River, Neponset River, Saugus and Taunton Rivers.

[SECT. 11.] That during the continuance of this act, anything therein contained to the contrary notwithstanding, it shall and may be lawful for any person or persons to catch alewives or other fish, by seines or drag-nets, in Charles River, in the county of Middlesex, and Neponsit River, in the county of Suffolk, three days in a week, the days to be Monday, Wednesday and Friday; and in Saugus River in Lynn, in the county of Essex, two days in a week; viz., Monday and Thursday, by drawing two seines once in each day, at said Saugus River; and in Taunton Great River, in the county of Bristol, two days in a week; viz., Monday and Thursday, by drawing two seines for each town, after it shall be known that alewives have been taken at Middleborough, in the spring of the year, annually.

Continuation.

[SECT. 12.] This act to continue and be in force for one year from the fifteenth day of March instant. [*Passed March* 8, 1765.

CHAPTER 35.

AN ACT FOR PREVENTING FRAUD IN DEBTORS, AND FOR SECURING THE EFFECTS OF INSOLVENT DEBTORS FOR THE BENEFIT OF THEIR CREDITORS.

Preamble.

Whereas it has sometimes happened that persons have absconded or concealed themselves to avoid arrests from their creditors, and the effects of such persons have been attached, and actions have been brought against their debtors, as trustees of such absconding or concealed persons, by means whereof great inequality and injustice has been occasioned to the creditors, and law-suits have been greatly multiplied; for prevention whereof for the future,—

Be it enacted by the Governor, Council and House of Representatives,

One justice of the superior court, in certain cases, to issue a warrant for seizing all the estate of an absconding debtor:

[Sect. 1.] That it shall and may be lawful for any one of the justices of the superiour court of judicature, court of assize and general goal delivery, upon application made in writing, by any creditor, for not less than thirty pounds, or creditors, for not less than sixty pounds, of any person or persons who shall appear, to the satisfaction of such justice, to have absconded or concealed themselves to avoid the arrests of their creditors, to issue a warrant, directed to all and every the sheriffs, their undersheriffs and deputies, within this province, requiring them, in his majesty's name, to attach, seize, take and keep all the goods, chattles and estate, real, personal, and mixt, of what nature or kind soever, within their respective bailywicks, of such absconding debtor or debtors, for the use and benefit of his or their creditors.

—if of a perishable nature, may be sold.

[Sect. 2.] And any part of such estate which may be taken in pursuance of such warrant, and which shall be of a perishable nature, and shall be proved to be actually in a perishing state, before the justice from whom such warrant shall issue, shall and may be forthwith sold by the officer taking the same, for the most the same will fetch.

Public notice to be given of the attachments of such absconding debtor's estate.

[Sect. 3.] And notice shall be forthwith given by such justice, in "The Massachusetts Gazette" published next after the issuing such warrant, or as soon as may be, and for three weeks successively, that the effects of such absconding or concealed debtor or debtors are directed to be attached, seized and taken; and that, unless such debtor or debtors shall return or appear, and discharge his or their just debts, or give security, to the satisfaction of the creditors, for payment thereof within three months from the date of such warrant, all the estate ordered to be so attached, seized and taken will be sold for the benefit of the creditors.

And be it further enacted,

Such debtors incapable of alienating their effects.

[Sect. 4.] That every person whose effects shall be directed to be so attached, seized and taken, be and is hereby declared to have been, immediately, from and after their absconding or concealing themselves as aforesaid, incapable of alienating any part of their effects or estate of what nature or kind soever; and all assignments, transfers, conveyances or alienations afterwards made by such person or persons, are hereby declared to be null and void; and all summons and attachments which shall, at any time after such absconding or concealment, be served upon any debtor or trustee of such person or persons, by virtue of an act or law of this province, intitled "An Act to enable creditors to receive their just debts out of the effects of their absent or absconding debtors," shall enure to the use and benefit of all the creditors of such absconding and concealed debtor or debtors, in just proportion.

All other attachments to enure to the benefit of the creditors.

1738-39, chap. 15.

Provided, nevertheless,—
And it is hereby declared,

Proviso.

[SECT. 5.] That no attachments, summons on the absconding-act, or other process whatsoever, already commenced, shall be affected by this act; but the creditors therein shall have such and the like remedy thereon as if this act had never been made; nor shall any assignments, transfers, conveyances or alienations, *bonâ fide* made before the passing this act, be understood to be affected thereby.

And be it further enacted,

Trustees to be appointed if such absconding debtor shall not appear within three months.

[SECT. 6.] That if any absconding or concealed debtor or debtors, whose effects and estate shall be directed to be attached, seized and taken as aforesaid, shall not, before the expiration of three months as aforesaid, return, or appear and discharge their just debts, or give security for the discharge thereof, to the satisfaction of their creditors, it shall and may be lawful for the justice who shall have issued such warrant, to appoint three of the creditors of such absconding or concealed debtor or debtors, to be trustees of their estate.

Provided, always,—
And be it accordingly enacted,

Proviso, in case such debtor is willing to surrender his effects.

[SECT. 7.] That if any concealed debtor or debtors shall, by writing, under their hands, signify to the justice issuing the warrant aforesaid, their willingness to surrender up all their effects, and shall desire that trustees may be forthwith appointed, it shall be lawful for such justice forthwith to appoint the same; and the advertisement to surrender shall thereupon be discontinued.

And be it further enacted,

Trustees to give public notice.

[SECT. 8.] That the trustees so appointed shall, as soon as may be, notify in "The Massachusetts Gazette," three weeks successively, time and place for a meeting of the creditors of such absconding or concealed person or persons, such meeting to be held within one month from the date of such notification; and it shall and may be lawful for the major part of the creditors present at such meeting, to approve or disapprove of all or any of the trustees so appointed, and to chuse others in the room of such as may be disapproved; and the trustees who shall be approved or chosen at this meeting shall be sworn before the justice issuing such warrant, or before a justice of the peace, to the faithful discharge of their trust; and the power of the trustee or trustees first appointed and disapproved shall then determine and cease; and the creditors may thereupon give in to the trustees their respective claims and demands, then due and payable, or which may become due or payable at a future day, upon or against the debtor.

Creditors may approve, or not, of such trustees:

—may give in their claims.

And be it further enacted,

Trustees to receive the estate, of the sheriffs, and all books and papers:

—to adjust all accounts.

Trustees to sue:

—and, with the consent of the major part of the creditors, to submit to arbitration.

[SECT. 9.] That the trustees so approved or so chosen and sworn, shall be and hereby are authorized and impowered to receive from the sheriffs, undersheriffs and deputies, and from all other persons whatsoever, all the effects and estate, of every kind, of such absconding or concealed debtor or debtors, and also all their books of accounts, and all papers necessary for discovering the true state of the business and dealing of such absconding or concealed debtor or debtors; and also to settle and adjust all matters and accounts unsettled between such absconding or concealed debtor or debtors, and any of their creditors; and to commence, and prosecute to final judgment and execution, any action or actions, in the law, for the recovery of any debts, effects or estate whatsoever, of such debtor or debtors, as fully, to all intents and purposes, as they themselves might have done if this act had not been made and passed; and, with the consent of the major part of the creditors present at any meeting duly notified, to submit to arbitration any matters in dispute between such debtor or debtors and any of their

supposed debtors, and, with the like consent, to compromise or make abatement upon any claim or supposed debt.

Estate to be converted into money, and mortgages to be redeemed.

[Sect. 10.] And, that the whole estate may be converted into money as soon as may be, the said trustees are hereby authorized and impowered to make sale of every part thereof, to redeem all mortgages and conditional contracts, and also to grant, bargain, sell and convey to any person or persons whomsoever, any lands, tenements or hereditaments, whereof such absconding or concealed debtor or debtors shall be seized, in possession, reversion or remainder, as of an estate in fee-simple, or an estate for life or years, and also all their right, title and interest, for the term of their own lives, in any entailed estate, and to execute good and sufficient deeds therefor: *provided*, *always*, that the right of dower of the wife of any such debtor shall not pass without her free and voluntary consent, in writing, signified thereto.

What estates shall be taken for the creditors.

Wife's right of dower excepted.

And be it further enacted,

A justice of the peace to examine the wife or any of the family.

[Sect. 11.] That it shall and may be lawful for a justice of the peace, upon application made to him, for that purpose, by the trustees, to convene before him the wife, or any one of the family, of any such absconding or concealed debtor or debtors, or any other person suspected of concealing or embezling any part of such debtor's effects, or of being privy or knowing to any concealment or embezzlement or to any private trade or dealing of such debtor or debtors; and such justice of the peace, the said trustees being present, shall examine such person, so convened, upon oath, touching all matters respecting the effects or estate, the trade or dealing, of such debtor or debtors, and shall take down such examination in writing, and cause the person so examined to sign the same; and if any such person shall refuse to submit to an examination, or to sign the same, such justice of the peace is hereby impowered to commit such person to prison, there to remain until he or she shall comply, or shall be discharged by the consent of the said trustees, or by one of the justices of the superior court of judicature, court of assize and general goal delivery, by judgment upon writ of *habeas corpus*.

Trustees to be present.

Penalty for refusing to submit to examination.

And be it further enacted,

Trustees to notify meetings of the creditors

[Sect. 12.] That the trustees aforesaid shall, by advertisement in three "Massachusetts Gazettes," successively, seasonably notify another meeting of the creditors of such absconding or concealed debtor or debtors, to be held at the expiration of six months from and after the first meeting aforesaid, and, in like manner, at the end of six months more, another meeting; at either of which meetings any creditors who have not given in their claims before, may then exhibit the same: and the said trustees are also impowered, from time to time, to call other meetings of the creditors, in like manner; or to continue any meetings, with the consent of the major part of the creditors present, by adjournments, as there may be special occasions therefor.

And be it further enacted,

Trustees to make a dividend in eighteen months.

[Sect. 13.] That at the expiration of eighteen months from the appointment of such trustees, they shall make a dividend of the effects of such absconding or concealed debtor or debtors, so far as shall have then come to the hands of such trustees, and been converted into money, each creditor to receive of said dividend in proportion to the debt which shall have been proved and allowed; and at the end of six months more, or sooner, if it shall appear to the trustees that the whole estate is received, a further dividend shall be in like manner made, of any further effects which may have come to the hands of such trustees since the former dividend; and so, at the end of every six months, or sooner, until the whole effects shall be distributed.

And be it further enacted,

Major part of the creditors impowered to discharge the debtor.

[SECT. 14.] That if any absconding or concealed debtor or debtors shall, at any time after the appointment of trustees, and the meetings of the creditors as aforesaid, offer to surrender themselves, and disclose and also deliver up their whole estate, if any shall remain in their hands, and the major part of the creditors in number and value, shall, in order to the discharge of such debtor or debtors, present a petition to any two of the justices of the superiour court of judicature, court of assize and general goal delivery, it shall and may be lawful for such two justices, if no just objection be offered, to discharge such debtor or debtors accordingly; and pending such petition their bodies shall be free from arrests, as also pending any examination before the trustees, from time to time, as may be necessary: *provided*, *always*, that a day be first appointed by such justices, and public notice thereof be given, in the "Massachusetts Gazette," to the creditors of such debtor or debtors, that they, or any of them, may then offer their objections, if any they have, why such debtor or debtors should not be discharged. *Provided*, *also*, that every such debtor shall first take before the said justices the following oath; viz.,—

Proviso.

Debtor's oath.

You, A. B., do solemnly swear that the inventory and account by you delivered is a just and true account of all your estate, real, personal and mixt, both in law and equity, either in possession, reversion or remainder, the necessary wearing-apparel and bedding of yourself, wife and children excepted, and that you have not, directly or indirectly, sold, leased, assigned or otherwise disposed or made over, either, in trust, for yourself or otherwise, except as set forth in the same account, any part of your estate, real, personal or mixt, for your future benefit, or in order to defraud your creditors. So help you God.

—And where there shall be no wife or no children, those words "wife" and "children," respectively, shall be omitted.

Debtor discharged upon certificate.

[SECT. 15.] And a certificate being given by the said two justices, that such debtor is discharged, every such debtor is hereby declared to be discharged from all debts due or contracted before his or her absconding or concealment as aforesaid, and, if prosecuted for any such debt or contract, may plead the general issue, and give the special matter in evidence.

And be it further enacted,

Controversies, how to be determined.

Trustees to nominate referees, in matters of controversy.

[SECT. 16.] That if any controversy shall arise, at any of the meetings of the creditors as aforesaid, relating to the debts of any creditors, such controversy shall be determined in the following manner: the trustees shall nominate two referees, not being creditors of the debtor or debtors who had absconded or concealed themselves, and the creditor whose debt is in controversy shall, in like manner, nominate two others; and their names shall be separately written on four pieces of paper, as nearly alike as may be, which shall be rolled up and put into a covered box, and from thence, one of the trustees shall draw out three of the said pieces of paper; and the persons whose names are so drawn, or the major part of the whole, having given their voice, shall finally settle such controversy; and if any one or more of such referees so appointed, shall refuse, or be incapable of acting in a reasonable time, a new choice shall be made by a nomination of four other referees, their names to be put in a box, in like manner as the former, and one or more, according to the number refusing, shall be drawn out; and so, from time to time, until referees shall be thus chosen who shall be willing and able to serve; and in case any such creditor shall refuse to nominate referees on his part, the trustees are hereby impowered to nominate them in his stead.

And be it further enacted,

[Sect. 17.] That any powers by this act given to trustees, shall and may be executed by any two of them, and shall be construed and understood in all cases accordingly; and any person being of the people called Quakers, may and shall be allowed, when any oath is required by this act, to make solemn affirmation instead thereof.

Two trustees may act.

Quakers' affirmation may be received.

And be it further enacted,

[Sect. 18.] That if any creditor of such absconding or concealed debtor or debtors shall neglect or refuse to give notice of and prove his debt within eighteen months after the appointment of trustees as aforesaid, and before a dividend be made, such creditor shall be ever after debarred from receiving his debt, unless the whole of the estate shall not have been received and divided, and unless such creditor shall, before a second dividend be made, prove his debt; and in such case such creditor shall, before the second dividend be made, have the sum he would have been intitled to on the first dividend, or so much thereof as shall be in the hands of the trustees; and if more than one creditor shall have so neglected, and there shall not be enough in the hands of the trustees to pay to all of them the full of their dividend, each shall be paid in proportion.

Creditor, after eighteen months' neglect, excluded:

—unless, before a second dividend, he shall prove his debt.

Provided, *always*,—

And be it further enacted,

[Sect. 19.] That before any dividend be made, a bill of costs and necessary charges, and reasonable commissions for said trustees, shall, by them, be presented to one or more of the justices of the superior court of judicature, court of assize and general goal delivery, who shall tax the same; and such costs and charges so taxed, and also all debts due to his majesty, his heirs and successors, and all debts due to this government, and also such sum as the major part of the creditors, at the last meeting before a dividend shall be made, shall agree to allow to the debtor or debtors who shall have appeared, and surrendered up their effects, and taken the oath required by this act, not exceeding, in any case, ten per cent upon their whole effects, shall be first deducted and paid, before the dividend be made to the creditors.

Proviso, for allowing costs and necessary charges:

—and for allowance to be made to the debtor.

And be it further enacted,

[Sect. 20.] That it shall and may be lawful for the trustees aforesaid, in the execution of their trust, by warrant had from a justice of the peace, directed to the sheriff, his undersheriff or deputy, to cause to be broke open and enter'd the dwelling-houses, shops, warehouses or other houses of any such absconding or concealed debtor or debtors, and to cause to be open'd any trunks or chests, or other close or locked places, where any part of their goods or estate shall be or be reputed to be: *provided*, *always*, that the body of such debtor, in their own houses, shall not, by or in consequence of the execution of such warrant, be liable to any arrest of the creditors.

Trustees allowed, by warrant from a justice, to break open the debtor's house, &c.

Debtor's body secured, in such case, from arrest.

And be it further enacted,

[Sect. 21.] That if any person shall be convicted of wilfully affirming or swearing, falsly, in any case where an affirmation or oath is required or allowed by this act, the person so offending shall suffer as in case of wilful perjury; and in case any such debtor who shall take the oath required by this act, and shall thereupon be discharged, shall be convicted of concealing any part of his estate or effects, with an intent to defraud the creditors, such debtor shall be deemed and adjudged guilty of felony, without benefit of clergy, and shall suffer accordingly.

Penalty for false swearing:

—and for concealing estate or effects.

[Sect. 22.] This act to continue and be in force for three years from the twelfth day of March, one thousand seven hundred and sixty-five. [*Passed March* 9, 1765.

Limitation.

NOTES.—All the acts of this year, except the private act the title of which is hereafter given, were printed: chapter 3 separately; and, for the first time, an impost act (chapter 33) was included with the printed acts of the session in which it was passed. The engrossments of twenty-four, out of thirty-six, acts, of this year, are missing; viz., chapters 1, 3, 8, 9, 10, 13, 14, 16, 17, 19, 20, 21, 23, 24, 25, and 27 to 35, inclusive.

The following is the title of the only private act passed this year:—

"An Act to enable Abigail Little of Pembroke, formerly the Widow of Isaac Thomas late of said Pembroke, Gentleman, Deceased, to recover of the Children and Heirs of the said Isaac certain Sums of Money due from them to the said Abigail for Right of Dower in the real Estate that was the said Isaac Thomas's." [*Passed June* 14, 1764.

The acts of the first session were certified for transmission, June 29, 1764. As the Governor's letter containing his observations on these acts, and bearing date July 2, was received by the Lords of Trade, September 5, it is probable that the acts were received at the same time. They were delivered to the clerk of the Privy Council, in waiting, September 10, and referred to the committee on plantation affairs, September 14, by whom, on the 14th of December, they were referred to the Lords of Trade.

The acts of the second session were certified for transmission, November 13, 1764, delivered to the clerk of the Privy Council, in waiting, January 14, 1765, referred to the committee on plantation affairs, February 1, and by them referred to the Lords of Trade, March 19, who received them on the 22d of the same month.

On the seventh of June, 1765, the Lords of Trade ordered such of the acts of the first and second sessions as have not expired by their own limitation, to be sent to Sir Matthew Lamb, for his opinion thereupon, in point of law; and, on the 24th of September following, the acts of the second session were again read at the Board.

The acts of the third session were certified for transmission, April 3, 1765. Governor Bernard's letter of observations on these acts, and bearing date April 8, was received by the Lords of Trade, June 26, so that, probably, the acts arrived as early as that date. They were delivered to the clerk of the Privy Council, in waiting, July 11, referred to the committee on plantation affairs July 13, and sent to the Board of Trade, July 16, where they were received the next day. They appear to have been considered by the Board, together with the acts of the second session, on the 24th of September, and, on the 29th of October, they were ordered to be sent to Sir Matthew Lamb.

Sir Matthew Lamb's report on the acts of the three sessions, was received June 30, 1766, and concludes—"Upon perusal and consideration of the before mentioned Acts I have no other objections than are before mentioned;" *i. e.*, to the private act, and to chapter 26: see the note to that chapter, *post*. This report was read at the Board, February 6, 1767, and, on the tenth, the draught of a representation thereon was ordered to be prepared; and, accordingly, an order was subsequently passed by the Privy Council, disallowing the private act.

Chap. 3. "Dec. 30, 1763. In the House of Representatives Resolved That the Inhabitants of the District of New Salem in the County of Hampshire be, and Hereby are impowered to receive out of the Public Treasury Twenty six pounds, twelve shillings, the sum they paid towards defraying the Charge of a Representative sent from Sunderland after they were discharged from paying any Sum, as appears by an Act of this Court: And that the said Sum of Twenty six pounds twelve shillings be annexed to the Tax of the Towns of Sunderland and Montague in their next years Tax.

In Council A Petition of the Inhabitants of the District of New Salem—

In the House of Representatives Read and Resolved That the Prayer of the Petition be granted, and that the Inhabitants have leave to tax the Non-resident Proprietors at one peny per Acre on their Lands; they observing the Act of this Court passed the 9th of February 1760, and laying out the Money arising therefrom for the purposes mentioned in said Act."—*Council Records, vol. XXV., p.* 108.

"Jan. 2, 1764. The following Order passed on the Petition the Inhabitants of Greenwich. In the House of Representatives Resolved That the Sum of Six pounds two shillings and nine pence be allowed and paid out of the Public Treasury to Mr Robert Cutler, Agent for the Town, for the use of said Town; and that the said Sum be added to the Town of Belcher Town in the next Province Tax.

In Council Read and Concurred. Consented to by the Governor."—*Ibid., p.* 113.

"Jan. 7, 1764. In the House of Representatives. Whereas a Vote passed the two Houses on the 30th day of December last ordering the Sum of £26.12. to be paid out of the Public Treasury to the Inhabitants of New Salem; said Sum to be added to the Tax of Sunderland and Montague the next Year but the Petition on which such Vote was founded being mislaid before it was offered to his Excellency the Governor for his Consent, and the Agents of said Inhabitants waiting in Town. Ordered That the Sum of Twenty six pounds, twelve shillings be paid to such Agents, and added to the Taxes of such Town; said Petition being mislaid notwithstanding.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 120.

"Jan 26, 1764. In the House of Representatives. On a Complaint of a Committee of the Town of Lincoln relative to their Taxes, the following Resolve passed viz^t

It appearing that there was a Mistake made in carrying off the proportion to a Thousand pounds which that part of Lexington paid to the Province Tax, that was taken from them and added to Lincoln when it was first incorporated into a Town; they being then set at 7/4½ to the £1000—thō their just proportion was no more than 5/3, so that it appears that the Town of Lincoln paid 2/1½ to the £1000—that

Lexington ought to have paid, from the time of said Lincoln's Incorporation to the Year 1760 inclusive, which in the whole amounts to £50. 16. 1 which Sum Resolved that it be remitted to the Town of Lincoln, and laid upon the Town of Lexington in their next Province Tax.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 153.

"Jan. 26, 1764. In the House of Representatives. Whereas many of the Inhabitants of the Town of Swanzey have lately suffered greatly by the Small Pox Resolved That the Sum of Three hundred pounds be advanced and paid out of the Public Treasury to Jerathmeel Bowers Esq^r for the use of that Town, to be applied by the Selectmen thereof for the use of the Sufferers there, as the Town shall direct; and that the said Sum of Three hundred pounds be repaid by the Town of Swanzey in the manner following, namely, that the Sum of Fifty pounds be added to that Towns proportion of the Province Tax next Year and Yearly until the Three hundred pounds aforesaid, shall be by that Town repaid into the Province Treasury.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 154.

"June 4, 1764. A Memorial of the Selectmen of Sunderland—Setting forth That they are informed that the District of New Salem hath applied to this Court for a reimbursment of the Pay of a Representative put to said District for sundry Years by an Act of Assembly, whilst in connection with the Town of Sunderland; and that they have thereupon obtained an Act of this Assembly for such reimbursment, which either is, or is likely to be, laid on the Town of Sunderland, altho' they have been always notified to join in the choice, and have constantly had the benefit of the representative chosen, whenever they have had any particular Concerns depending. And praying that the Town of Sunderland may be freed from the charge of any such Reimbursment. In the House of Representatives Read and Ordered That the Petitioners serve the Clerk of the District of New Salem with a Copy of this Petition that they shew cause, if any they have, on the Second Wednesday of the next Session of this Court why the Prayer thereof should not be granted. And that the Province Treasurer be directed not to make any addition to the Province Tax of Sunderland or Montague for the reimbursment made to the said Precinct of New Salem till the further Order of this Court.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 219.

"June 11, 1765. A Petition of Eldad Taylor Esq^r in behalf of the Inhabitants of the Township N^o 4 in the County of Berkshire—Setting forth—That apprehending themselves over Rated in the valuation taken in the year 1761, they thereupon applied to the General Court for relief who abated them the sum of £55: 6: 3 assessed on them in the year 1761 and the further Sum of £36: 17: 6 Assessed on them in 1763. That there is now a Tax of £36: 17: 6 laid on them for the year 1764, which they are as unable to pay as either of the former sums, and the more so as they have lost their Minister and met with loss other ways; And praying that the Court would again consider the difficulties they labour under, and grant them relief.

In the House of Representatives. Read and Ordered, that the Tax laid upon the Township N^o 4 for the year 1764 as within mentioned be remitted them in consideration of the losses mentioned. In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *vol. XXVI.*, *p.* 18.

"June 20, 1765. A Petition of the Selectmen of Gorham—praying that in consideration of their losses the last year by Fires &c it will be very difficult for them to pay their Province Tax; that they are now about Settling a Minister, which will bring a considerable charge upon them. And praying that their Province Tax for 1764 may be abated them.

In the House of Representatives, Read and Ordered that the Province Tax laid on Gorham for the year 1764 be suspended. And that the same be added to their Province Tax in the year 1766; and the Treasurer is directed not to issue his Execution against said Town in the mean time. In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 47.

"June 15, 1764. A Petition of John Burk in behalf of Bernardston—Setting forth, That their numbers are yet small, having only 31 Families and 49 Poles; that the War has so retarded their Settlements that they have but 400 Acres of improved Land in said Town, and yet they have been taxed the three last years, for two of which they have paid £58—and having now a Tax upon them for £19—which cannot be collected but by distress. And Praying that it may be abated.—

In the House of Representatives; Ordered That the consideration of this Petition be referred to the next Session of the General Court and the Treasurer is hereby directed not to issue any Warrant for the enforcing payment thereof in the mean time.—In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *vol. XXV.*, *p.* 272.

"Feb. 15, 1765. In the House of Representatives. Whereas a Petition has been preferred by John Burk Agent for the Town of Bernardston, and another petition by Nath^l Kellog in behalf of the Inhabitants of Hunts Town. In order that the circumstances of those Towns and their Ability to contribute some proportion to the public charge of this Province, as well as the circumstances of all other new plantations and Settlements within this Province and their ability for such purpose may be the better known. It is Resolved and Ordered That the Assessors or some other proper persons thereto appointed by the Inhabitants in each plantation respectively make true and full Lists of the polls and Estates, Real and personal in such plantations, and Return the same under Oath to this Court at their Sessions in May next.

And that the Treasurer of this Province be and hereby is directed to stay any Executions against any Constables or Collectors in either of the said Towns of Bernardston and Hunts Town until the next May Sessions.

In Council, Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 408.

"Mar. 1, 1765. a Petition of Joshua Henshaw Esq^r and others Inhabitants or Proprietors of the Plantation called Dorchester Canada—Setting forth, That in the year 1761 the General Court laid a Tax upon them of £44. 7. 6 and three yearly Taxes since. That the Lands in such a new plantation do not yield the produce as in those that are more cultivated, and are subjected to early and late Frosts, insomuch that the Inhabitants have not been able to raise one half of their Bread Corn, but are obliged to Travel to other places to purchase it. That they are besides subject to the ravages of wild beasts, whereby they lose more young Cattle Sheep and Swine than the value of any province Tax that could equitably be laid upon them. And praying Relief.

In the House of Representatives. Ordered that the consideration of the within petition be referred to the next May Session, and that the petitioners are directed to return a List of their polls and Estates to the Court at that Session.

In Council, Read and Concurred."—*Ibid., p.* 440.

Chap. 4. By General Amherst's returns it appears that, of the 3,220 men voted to be raised by Massachusetts in the campaign of 1762, 2,991 actually took the field, of whom 591 remained on garrison duty during the winter and spring. For reimbursing the expenses of all the colonies, in this campaign, the House of Commons voted the same amount as was granted the previous year; viz., £153,333, 6s. 8d. (See Journals of the House of Commons, March 17, 1763). Of the proposed grant, Mr. Mauduit got an early intimation through his brother, and communicated the information to the secretary of the province, in a letter dated March 12, 1763.

By the apportionment, which was made about the first of April, 1764, the share of Massachusetts was determined to be,—after all allowances added for extra men and extra times of service,—£45,419, 18s. 6d. This was to be paid one-half in money, and one-half in Exchequer bills. As the latter, however, were bills of the previous year, and payable the next day after they were given out, the Agent was enabled to write, on the 25th of April, that the whole money, with one day's interest on the bills, had been deposited in bank, for the order of the General Court.

"Jan. 29, 1765. In the House of Representatives. It appearing to the House that all the Bills of Exchange which by Law of this Province made in June last, the Treasurer of this Province was enabled to draw upon Jasper Mauduit Esq^r late Agent of this Province are not yet Sold, and disposed of; and that some doubt arises whether the said Bills may be drawn in the form prescribed by the said Law, since the new Choice made of an Agent.

Resolved That the Treasurer be and hereby is Ordered to draw the Bills in the form, and directed as in the said Law is required, the new Choice of an Agent notwithstanding.

In Council, Read and Concurred, as taken into a new draft. The new Draft is as follows viz^t—In the House of Representatives 28^th January 1765—

Whereas Richard Jackson jun^r Esq^r has been Chosen Agent for this Province in the room of Jasper Mauduit Esq^r who resigned that trust; and certain part of the Money which had been received by M^r Mauduit belonging to the Province still remaining in his hands, and the Treasurer being confined to a particular form in drawing for such money viz^t on Jasper Mauduit Esq^r Agent for the Province of the Massachusetts Bay in London, or in case of his Death or absence on Richard Jackson jun^r Esq^r.

Resolved, That all Bills for such Monies as yet remain in M^r Mauduit's hands, be drawn on Jasper Mauduit Esq^r in London, and the Treasurer is directed to transmit to M^r Mauduit a Copy of this Vote by the first opportunity.

In the House of Representatives Read and Nonconcurred Nemine contradicente and the House adhere to their own Vote. In Council, Read and Nonconcurred

M^r Otis from the House of Representatives, who brought up the foregoing Vote of nonconcurrence, at the same time delivered a Verbal Message to the Board, acquainting them that it has been usual for the House to originate their own Resolves, and that they choose to continue in that practice."—*Council Records, vol. XXV., p.* 362.

"Jan. 29, 1765. The Secretary went down to the House of Representatives with the following Message from the Board viz^t—The Board have received a Message from the Hon^ble House in the forenoon to this purpose 'That the House have always been in the practice of Originating their own Votes, and chuse to continue in that practice'.—

The Board think it necessary to observe, that their Vote, which induced the Honourable House to that Message was agreeable to the uninterrupted practice of the two Houses, in taking into a new draft any Votes sent from one House to y^e other, in order to save the trouble and perplexity which arises from a great number of Amendments by marginal references. The Board not intending to prepare a Vote to originate in the House, but to alter a Vote before originated there; and therefore the House could have no just Occasion for sending such a Message."—*Ibid., p.* 365.

"Jan. 30, 1765. M^r Otis and others from the House of Representatives came up to the Board with the following Message viz^t—

The House think it Necessary to observe, that tho' it may be agreeable to the uninterrupted practice of the two Houses to take into a new draft any Bills or Votes (Grants & Money Bills excepted) sent from one House to the other: And tho' the reason & grounds of that practice are truly assigned by the Hon^ble Board, yet such new draft should be made by, and passed upon as the Act of the House framing such new draft, and in the name of the House framing the same, and then sent to the other House for Concurrence: But the House of Representatives have not before found an Instance, that one House has made a new draft for, and in the name of the other, and then sent it to the other to act upon. And tho the House of

Representatives readily believed it was far from the intention of the Hon^ble^ Board to prepare a Vote to originate in the House; yet it is conceived the Hon^ble^ Board have in fact so prepared a Vote for them.

The House of Representatives therefore must think the Hon^ble^ Board have done some what more than altering or amending the Vote sent up: It seems hard to conceive that the Vote of the Hon^ble^ Board, their framing an entire new draft in the name of the House, and sending it down to the House for them first to act upon, can with any kind of propriety be said to be only altering or amending the Original Vote of the House.

The Hon^ble^ Board have an undoubted right in all cases (except those of Grants & Money Bills) to bring any Vote or Bill sent up from the House into a new draft: But then such new draft should be made the Act of, and passed upon by the Hon^ble^ Board before it is sent down.

The House of Representatives therefore, being on the one hand cautious how they attempt any infringement of the just rights & priviledges of the Hon^ble^ Board, and on the other tenacious of their own, and ever desirous of preserving and cultivating that good understanding and Harmony which has hitherto happily subsisted between the two Houses, think they had just occasion for sending the Message referred to by the Hon^ble^ Board; which Message but barely hinted at the innovation that seemed to be taking place."—*Ibid., p.* 366.

"Feb. 7, 1765. In the House of Representatives. Whereas by an Act passed by this Court at their Session in May last, the Treasurer was impowered to draw Bills to the amount of Forty eight thousand pounds Sterling directed 'To Jasper Mauduit Esq^r^ Agent for the Province of the Massachusetts Bay in London, or in case of his Death or absence, To Richard Jackson jun^r^ Esq^r^'—since the passing of which Act, the said Jasper Mauduit hath desired to resign the Agency, and the Court hath accepted of his s^d^ resignation; and there yet remains in his hands a Sum fully sufficient to Answer the Treasurers Bills to Compleat the amount aforesaid.

Resolved, That the Treasurer be, and hereby is impowered to direct all such Bills as remain to be drawn by virtue of said Act 'To Jasper Mauduit Esq^r^ in London'—leaving out the remainder of the direction prescribed by the said Act, anything therein to the contrary notwithstanding.

In Council, Read & Concurred. Consented to by the Governor."—*Ibid., p.* 389.

Chap. 6. "Feb. 15, 1763. A Bill intituled 'An Act for repealing the several Laws now in force which relate to Highways, and for making one general Act of the same'—having passed the House of Representatives to be engrossed.—In Council Read a first time and Committed to Samuel Danforth William Brattle and John Choate Esq^rs^ to consider and report thereon."—*Council Records, vol. XXIV., p.* 584.

"June 3, 1763. In the House of Representatives Ordered That Col^o^ Clap, Major Humphrey and Col^o^ Bagley with such as the Hon^ble^ Board shall join, be a Committee to prepare a general Bill Relating to Highways through the Province and make report.

In Council Read and Concurred and Sam^l^ Danforth and John Choat Esq^rs^ are joined in the affair."—*Ibid., vol. XXV., p.* 24.

Chap. 7. "Jan. 25, 1763. A Bill intituled An Act to impower the Proprietors of the Meeting House in Newbury where the Rev^d^ Jonathan Parsons now officiates to raise money for defreying Ministerial and other necessary Charges—having passed the House of Representatives to be Engrossed.—In Council Read a first time: And the Question being put Whether this Bill have a second Reading? It passed in the Negative."—*Council Records, vol. XXIV., p.* 517.

"June 7, 1763. A Petition of the Proprietors of the Meeting House in Newbury whereof the Rev^d^ M^r^ Jon^a^ Parsons is Minister. Praying that they may be enabled to tax the Pews in said House, and likewise the Persons and Estates of those who occupy the same, in Order to raise money for defreying Ministerial Charges. In Council Read and Ordered That the Petitioners serve the first and third Parishes in the Town of Newbury, each with a copy of this Petition, and of the Bill therein referred to by leaving the said Copies with the several clerks of the said Parishes, that they shew Cause (if any they have) on the second Wednesday of the next sitting of this Court why the Prayer thereof should not be granted. In the House of Representatives Read and Concurred."—*Ibid., vol. XXV., p.* 32.

"Dec 29, 1763. The following Order passed on the Memorial of the Proprietors of the Meeting House in Newbury, whereof the Rev^d^ M^r^ Jonathan Parsons is Minister as entred the of June last. In Council Read again together with the answer, And Ordered That Benjamain Lincoln and Harrison Gray Esq^rs^ with such as the hon^ble^ House shall join be a Committee to take this Petition, with the Answer under consideration, hear the Parties and make report. In the House of Representatives Read and Concurred and M^r^ Lancaster, M^r^ Tyler and M^r^ Belcher are joined in the Affair."—*Ibid., p.* 103.

"June 4, 1764. A Memorial of the Elders and Members of the Presbyterian Church in Newbury-Port, praying they may be allowed to bring in a Bill to Tax the Pews of those who attend said Meeting.

Read and Ordered, That the Prayer of the Memorial be granted, and that a Bill be brought in accordingly."—*House Journal,* 1764-65, *p.* 25.

Chap. 8. "June 10, 1762. A Petition of the Inhabitants of Benardston—Setting forth, the very great difficulties they have undergone in settling the said place, which has been very much exposed to the Enemy, which has at times obliged them to draw into Garrison, and kept them backward in their Improvements: And Praying that their Province Tax may be abated, and that a Tax may be laid on their lot-

ted Lands for three Years to enable them to pay their Minister his Settlement and Salary.—

In the House of Representatives Read and Ordered That the Petitioners serve the nonresident Proprietors of Bernardston with a copy of this Petition by inserting the substance thereof in all the Boston News Papers three weeks successively, that they shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council Read and Concurred."—*Council Records, vol. XXIV., p.* 422.

Chap. 12. "Jan. 19, 1764. The following Order passed on the Petition of a number of the Inhabitants of Marblehead, respecting Measures to prevent the Small Pox, viz^{t} In the House of Representatives, Ordered That the Selectmen of the Town of Marblehead be, and hereby are impowered to Erect a Fence across the Highway in Marblehead for the purpose aforesaid in the place where it was erected for the same purpose in the year 1752; and continue the same there untill the first day of June next. And that the Selectmen of Marblehead and the Justices of the peace in that Town, be, and hereby are impowered at the Charge of the Town to set up and keep a suitable Watch or Watches at the place aforesaid until the said first day of June next: And that the said Watch or Watches be, and hereby are impowered to examine all such Persons as shall attempt to go into said Town of Marblehead, from whence they came and the occasion of their going into the Town: and to prevent all persons Goods and Chattles going or being carried into the Town of Marblehead, if the Watch shall judge there is danger of the Small Pox being carried into the Town thereby. In Council."—*Council Records, vol. XXV., p.* 139.

"Jan. 21, 1764. In the House of Representatives, Resolved for preventing the Small Pox being carried into the Town of Salem, that the Selectmen of said Town be, and they hereby are impowered to erect Fences across the Highways leading into said Town in such places as they may think convenient and necessary for the purpose aforesaid and continue the same until the first day of June next. And that the Justices of the Peace in said Salem and the Selectmen of that Town be, and they hereby are impowered at the Charge of the Town to set up and keep suitable Watches at the places where said Fences may be erected until the said first day of June: And that the said Watches, be, and hereby are impowered to Examine all such Persons as shall attempt to go into said Town of Salem from whence they came, and the occasion of their going into the Town; and to prevent all Persons, Goods and Chattles going, or being carried into the Town of Salem if said Watch shall judge there is danger of the Small Pox being carried into the Town thereby.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 141.

"Jan. 21, 1764. In Council Voted That Thomas Hutchinson, William Brattle, Israel Williams and John Choate Esq^{rs} with such as the Honourable House shall join be a Committee to prepare and bring in a Bill in addition to the Laws already made for preventing the spreading of the small pox and other enfectious distempers.

In the House of Representatives Read and Concurred and Col^{o} Clapp, Col^{o} Dwight, Doct^{r} Smith, M^{r} Otis and M^{r} Tyler are joined in the Affair."—*Ibid., p.* 143.

"Jan. 25, 1764. In the House of Representatives: Resolved for preventing the Small pox being carried into any of the Towns and Districts within this Province that the Selectmen of the several Towns and Districts in this Province be, and they are hereby impowered to erect Fences across the Highways leading into said Towns and Districts, as they may think convenient and necessary, and continue the same till the first day of June next, and that the Justices of Peace and Selectmen in each Town and District respectively be, and they are hereby impowered at the charge of their respective Towns and Districts to set up and keep suitable Watches at the places where such Fences shall be erected, until the said first day of June, and that the said Watch be, and hereby are impowered to examine all such persons, as shall attempt to go into said Towns or Districts relative to such matters as may tend to discover whether there be danger of spreading the Small pox; and to prevent all Persons, Goods or Chattles going or being carried into such Towns or Districts, if the said Watch shall judge there be any danger thereof, until information of such Prevention can be given to the Selectmen of such Town or District, or to some Justice of Peace; who shall thereupon immediately give such Order in the premises as they shall judge fitting and safe.

In Council Read and Concurred."—*Ibid., p.* 151.

"June 5, 1764. James Otis Esq^{r} from the House of Representatives came up to the Board on a Message to acquaint them that as the Small pox is supposed to be in the neighbourhood of Concord the House had agreed that all matters of a private nature be referred to the next Session, and to desire that the Board would agree with them therein."—*Ibid., p.* 221.

"June 8, 1764. In the House of Representatives. Resolved That the Selectmen of the Town of Marblehead be and hereby are impowered to erect a Fence across the Highway leading into said Town in the same place where it was erected in the year 1752 to prevent the spreading of the Small pox in said Town, and to continue said Fence until the first day of September next, and that the Selectmen of said Town be and hereby are impowered to appoint and set up, at the charge of said Town, a suitable Watch at the place aforementioned, which Watch shall be impowered to examine all such persons as shall attempt to go into said Town of Marblehead from whence they came, and to prevent all Persons, Goods and Baggage from going or being carried into said Town of Marblehead, if said Watch shall judge there is danger of the Small pox being carried into said Town thereby, for a space of time not exceeding one hour, within which time the said Watch shall notify some one of the Justices of the Peace or the Selectmen of said Town, who shall have power to demand a declaration upon Oath of such Person or Persons

desiring Admission, that neither themselves nor Goods have been lately so near any place infected with the Small pox, so as to endanger any persons taking said Distemper from them, and upon the refusal of such persons to take said Oath, to prevent them from entring into said Town, and if such declaration be not demanded within one hour from such Persons coming and demanding admission from said Watch, then and in that case there shall be no further Obstruction to them or their Baggage from entring into said Town.

In Council Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 245.

Chap. 13. The passage of this act was the result of repeated applications to the General Court, during the period of about five years, by a large number, if not a majority, of the male inhabitants of the plantation of Narragansett, No. 7, whose efforts to secure an act of incorporation were strenuously opposed by a large minority of the qualified voters among the actual settlers. The contention between these parties seems to have begun in the opposition of the petitioners for incorporation, to Mr. Solomon Lombard who, in 1750, was settled as the regular minister of the plantation.

In December, 1759, these petitioners applied to the general court, to be incorporated into a town, alleging that the inhabitants of the plantation had increased to sixty families, and that, by the discontinuance of the aid hitherto granted by the non-resident proprietors, and for want of proper authority to assess and collect the necessary funds, they had no meeting-house nor schools; that their highways were neglected, their cattle and fences without regulation, and that disorderly poor were coming in among them. This petition was signed by Edmund and John Phinney and thirty-six others.

On this petition, the General Court at their third session (1759–60), ordered notice to the non-resident proprietors. The petition was again read in the fourth session, together with the answer hereinafter described; but no further action was had upon it until the first session of the next year, when the petition and answer were referred to a joint committee, June 5, 1760. The answer bears date March 24, 1760, and is signed by Jacob Hamblen and Hugh McLellan, who claim to be a committee of the "well affected, who are heartily well wishers to government and fully attached to the constitution of our churches, and bear a true affection to a learned ministry and have not the least inclination to prove prejudicial to any public interest nor prevent the exercise of any power that may be for the real benefit and peace of society nor prevent any power lodged in any hands that may answer the ends of government; viz., God's glory and the good of men."

The reasons alleged by these remonstrants why the prayer of the petitioners should not be granted, are, briefly, the poverty of the inhabitants, and their consequent inability to pay province, county and town taxes; the spirit of hostility manifested by the petitioners, towards the remonstrants and the non-resident proprietors, and the expensive litigation that would result therefrom, at the common expense, as soon as they should be incorporated; and, finally, the expense to which the remonstrants would be subjected in being forced to contribute towards building a meeting-house other than that which the proprietors were already obliged to build by the terms of the original grant.

Up to this time, the inhabitants had met, for the transaction of their religious and secular affairs, in the flanker of the fort built for their protection against the hostile French and Indians; and it seems to have been generally understood that the exposed situation of this settlement, on the frontier, was a sufficient excuse for non-compliance, by the proprietors, with the condition requiring them to build any other structure, as a meeting-house, during the continuance of the war with France.

As early as 1757, Mr. Lombard had become obnoxious to those of his parishioners who now asked for an act of incorporation, on account of his conduct in the discipline of his church, which, it was alleged, had had such an evil tendency that it had weaned their "affections from him and in a great measure spoilt his usefulness towards" them. They also charged him with fomenting quarrels among neighbors, and of neglecting his official duties, to engage in secular business, for his private benefit. Being unable to secure the dismissal of Mr. Lombard, these disaffected parishioners seceded from the church at the fort, and set up a separate congregation, over which they installed, as minister, Mr. Townsend,* a layman,—ordaining him, April 4, 1759, by the primitive congregational method, without the aid of the neighboring ministers and churches, who declined to assist therein.

Such was the state of affairs among the inhabitants of the plantation at the time the petition first above alluded to was presented to the General Court. Upon the merits of this controversy, the non-resident proprietors were divided in opinion; and of these, James Bryant and eight others favored the petitioners, and John Waite, Wm. Cotton and Joshua Bangs, who professed to sign in behalf of all the non-resident proprietors, favored the remonstrants.

After a full hearing, the petition was, by a concurrent vote of the Assembly, ordered to be dismissed, June 10, 1760.

The petitioners made another effort, in November, 1761, to secure an act of incorporation, in a petition signed by John Phinney, Bryant Morton, Richard Edwards and forty-one others. In this petition they ask permission to renew their former petition, for the reason that, by the tax act of 1761-62, the assessors of the tax therein laid on the inhabitants of the plantation, were required to be paid for their services, by the town treasurer; an officer they had no authority to choose without an act of incorporation. They alleged, as further reasons for granting their prayer, that since their former petition they had built a meeting-house, which the proprietors had still neglected to do, and that their population had increased to eighty families.

* See Pierce's History of Gorham.

This petition was opposed in a remonstrance by the "well affected,"—confessedly a minority, and representing "about thirty or five and thirty mails from sixteen years old and upwards." This paper is in the handwriting of Lombard, and signed by him, John M^cDaniel, and thirty others.

The proceedings on this last petition are evidently not all recorded. It appears to have been presented at the May session, 1762-63, and was, probably, dismissed, either during that, or the next session; for we find, at the third session, both the petition and remonstrance read again, revived and dismissed, by a concurrent vote. The next that appears of record in this matter is the following entry; from which it is inferred that either the dismissed petition was again revived, or a new one presented, in the second session of 1763-64, the files of which session were unfortunately consumed in the fire which destroyed the new college at Cambridge, where the General Court was held:—

"Dec. 27, 1763. Upon the Petition of a Number of the Inhabitants of Narraganset, N° 7, alias Gorham Town in the County of Cumberland, praying that they might be erected into a Township, the following Order passed viz^t

In Council Read and Ordered That the Petitioners serve Solomon Lombard Esq^r one of the principal Inhabitants of Gorham Town with a Copy of this Petition, that so he and the other Inhabitants, Non Petitioners shew cause (if any they have) on the last Wednesday of January next why the Prayer thereof should not be granted.

In the House of Representatives; Read and Nonconcurred and the Petitioners are allowed to bring in a Bill for the purposes mentioned.

In Council Read and and Concurred."—*Council Records, vol. XXV., p.* 98.

This petition seems, by the following entry in the journal of the House, under date of June 4, 1764, to have been renewed at the next May session:—

"A Petition of a Number of Inhabitants of a Place called Gorham-Town, praying they may be incorporated into a Township for the Reasons mentioned.

Read and so far granted, as that the Petitioners be allowed to prepare the draft of a Bill for that purpose, and make Report."

Chap. 17. Distance from the shire towns, and the inconvenient seasons at which the terms of court were held, led to petitions from several towns in Worcester, Hampshire and Middlesex, for either the establishment of new times and places for holding the superior court and inferior courts of common pleas, or the erection of new counties, by division of the old ones. In some instances, the petitioning towns united in the appointment of agents, to urge their petitions, and secure a redress of their grievances, in the general court. Except in the case of Middlesex county, these petitions, although they were received, and notice ordered to be given upon them, seem not to have been pressed further; possibly because this chapter, and chapter 20, of this year, made such changes in the times for holding the courts, as were satisfactory to the petitioners, or because their respective petitions, and the accompanying papers, were destroyed by fire, with other public documents, when the new college-building was consumed.

As early as January, 1764, a committee appointed to prepare a bill for altering the times for holding the common-law courts in the county of Middlesex, had reported the draught of a bill, which was referred to the next May session, in order that several towns, in that county, which had not joined in the petition, might be apprized of the movement. This bill related only to the superior court of judicature, court of assize and general gaol delivery, and provided for changing the place of holding said court, from Charlestown to Concord.

At the May session, 1764, the report of this committee was again continued, and further notice was ordered to be given to the towns of Middlesex. No further action on this report has been discovered.

At the third session of the general court, this year, a joint committee was appointed "to prepare the draught of a bill for altering the time for holding several of the courts throughout the province." This committee was subsequently enlarged, and reported a bill to the Council, the 2d of February. This bill, which was identical with the present chapter, had reached the House, and there passed through its several stages, to be enacted, by Feb. 7, on which day the House also ordered that it be printed in all the Boston newspapers. It was passed to be enacted by the Council on the 11th, and was signed by the Governor on the 12th, of February.

In the mean time the agents of sundry towns in Middlesex had renewed their petition to be set off as a new county, and a committee had been appointed to hear the parties and make report. Although the records fail to show the final action on this petition, it appears, by the following petition, that it was dismissed, and that, thereupon, the petitioners joined in asking that one term of the court of common pleas might be held, annually, in or near the town of Groton. By the non-concurrence of the Council, this measure also failed.

"Province of the
Massachusetts Bay } To his Excellency Francis Bernard Esq^r Captain General and Govener in Cheiff in and over his Majestys s^d Province and to the Honourable Council and house of Represantatives in General Court assembled at Boston February A.D. 1765.

Humbly Shews—The Subscribers agents for the Several Towns in the County of Middlesex, that they in behalf of their Constituents in February A.D. 1764, Perfered a Petition to the General Court then Sitting; Shewing forth the Disadvantages the said Towns and others Laboured under by reason of their Great distance from the Several Courts of Justice in the said County of middlesex and other reasons mentioned in said Petition, the Petition was Taken under Consideration at the last may session when this Honourable Court ordered that the several Towns in the Countys of middlesex, and Worcester should be Notified, which was done in the

Publick Prints, that at this Present Session the sa[id] Petition was Taken under Consideration and a Comttee Chosen to Examine into ye afair which has been done and as Your memorialist are Informed the Majority of the Comttee agreed and thereupon Reported that ye sd Petition should bee Dismissed which report as Your memorialist are Informed is accepted by the Honourable Board (how True we dont know) but if it Should so happen, we Pray this Honble house not to accept of Said report, how Ever if we Should be so unfourtunate as not to have the Prayer of Said Petition Granted we Earnestly Pray that they may at Least be so far releived as that one Inferiour Court may be held in or near the town of Groton in sd County and that the Inhabitants of the northerly part of Said County of middlesex may be otherwise releived in regard to the Transacting their Publick afairs as much as Possibley may be and Your Petitioners in behalf of themselves and Constituents as in duty Bound shall Ever Pray

Abel Lawrence
Benjamin Brooks James Prescott
Jonathan Lawrance Jonas Cutler
Ephm Hildreth Oliver Prescott
Jonas Prescott Wm Prescott

In the House of Repves Feby 8 1765 Read and Ordered that the Petrs serve the several Towns concerned in the event of this Petition with copies thereof that so they shew cause if any they have why the prayer thereof should not be granted
Sent up for concurrence

James Otis Speakr pro. Tempore

In Council Febry 15. 1765. Read and Nonconcurred.

A. Oliver Sec."—*Mass. Archives, vol.* 44, *p.* 540.

Chap. 18. "June 9, 1761. A Petition of a number of Inhabitants of Leicester and Rutland—Setting forth—the great inconveniencies they labour under by living at a distance, from three to five miles from the place of public Worship; And Praying they may be erected into a seperate Town or District by certain metes and bounds in said Petition mentioned.— In the House of Representatives Read and Ordered That the Petitioners serve the Towns of Leicester and Rutland with copies of this Petition that so they respectively shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council Read and Concurred."—*Council Records, vol. XXIV., p.* 28.

"June 12, 1762. A Petition of Joazaniah How and others of Leicester, Praying to be erected into a Town, District or Parish, so that they may be enabled to carry on the Public Worship of God among themselves or that a Committee may be sent to view the circumstances of the Petitioners, that so they may obtain Relief.—

In the House of Representatives Read and Ordered That the Petitioners serve the Towns of Leicester, and Rutland with Copies of this Petition that they shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted.

In Council Read and Nonconcurred."—*Ibid., p.* 434.

"June 10, 1763. A Petition of a Number of the Inhabitants of the North part of the Settlers part of Leicestor, and of some others Inhabitants of the Southerly Part of Rutland—Setting forth That the difficulties they Labor under in attending the Public Worship in the respective Towns they belong to. And Praying to be erected into a separate Town or District, and further representing That the Land Prayed for lying in Leicester was set off by a Town Vote for the ends proposed at a Town Meeting held on the 16th day of May last.

In the House of Representatives Read & Ordered That the Petitioners serve the Town Clerk of Rutland with a Copy of this Petition, that they shew Cause (if any they have) on the second Thursday of the next Session of this Court why the prayer thereof should not be granted.

In Council Read & Concurred."—*Ibid., vol. XXV., p.* 51.

"June 14, 1764. A Petition of Oliver Witt and Others, Inhabitants, some of them of Leicester, and Others of Rutland—Setting forth the great difficulties they labour under by living at such a distance from the place of Public Worship in the several Towns to which they belong; none of them being less than three miles distant, one only excepted, some of them four, and many of them five miles distant, and the way bad. And Praying that they may be erected into a distinct Town, District or Precinct by certain bounds in their said Petition mentioned.

In the House of Representatives Read and Ordered That Mr Foster of Brookfield and Colo Williams with such as the honorable Board shall join be a Committee in the recess of the Court to repair to the place petitioned for to be erected into a Parish, at the charge of the Petitioners. And that they hear all Parties interested for or against the said incorporation and report at the next Session whether the Prayer thereof should be granted.

In Council Read and Concurred and Benjamin Lincoln Esqr is joined in the Affair."—*Ibid., p.* 269.

"Jan. 25, 1765. a Petition of a number of the Inhabitants of the North part of the Town of Leicester and of the South part of the Town of Rutland praying to be erected into a Town or District as entered the 14th June last, and having been then Committed to a Committee of both Houses: the said Committee now made Report; and thereupon the following Order passed viz^{t}—

In Council, Read and Accepted: And Ordered that the Petitioners have liberty to bring in a Bill accordingly.

In the House of Representatives, Read and Concurred."—*Ibid., p.* 356.

Chap. 20. "Feb. 4, 1765. In Council. Whereas the Court of General Sessions

of the Peace and Inferior Court of Common Pleas, which by Law were to be held at York for the County of York on the first tuesday of January last past, now stand adjourned by the Justices of said Courts to the twenty sixth day of February Instant; and diverse of the Justices of said Courts and other persons who are concerned in business there are Members of this Court: and the important Affairs of the Province now depending require their attendance.

Wherefore Ordered That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, which by Law were to be held at York in January last, and now stand Adjourned as aforesaid, be and hereby are further adjourned to the first Tuesday in April next, to be held at the Court House in the said Town of York and all Pleas, Writs, Actions, Suits, Complaints Processes, Precepts Recognizances and other thing and things whatsoever returnable and having day or days in the said Courts, shall stand, abide and continue unto the said Adjournment, and be held deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever, as if such Courts had been held and kept on the day by Law for holding the same, and no Adjournment thereof had been made.

In the House of Representatives, Read and Concurred

Consented to by the Governor."—*Council Records, vol. XXV., p.* 376.

"Feb. 15, 1765. In the House of Representatives. Whereas the Court of General Sessions of the Peace and Inferior Court of Common Pleas by Law are to be holden at Pittsfield in the County of Berkshire on the first Tuesday of March next. And whereas the business that will probably be to be transacted at said Court will not be very considerable, nor the immediate dispatch of it any way equal to the extraordinary difficulty and expence of attending the said Court there at so difficult a time of travelling as is then like to be. And whereas the ill health of some of the Justices of the said Court may probably prevent their attendance at that time.

Therefore Ordered that the Court of General Sessions of the Peace and Inferior Court of Common Pleas, which by Law are to be holden at said Pittsfield on the first Tuesday of March next, be and hereby are Adjourned to the last Tuesday of April next, then to be held at the Court House in Great Barrington in said County, at ten of the Clock in the forenoon of said day. And that all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances and other thing and things whatsoever returnable and having day or days in the said Court, shall stand, abide and continue unto the said Adjournment to the time & place last aforesaid, and be held deem'd and Adjudged to be as good, effectual and available in Law to all intents and purposes whatsoever as if such Courts had not* been kept & held on the day and at the place aforesaid by Law appointed for holding the same, and no Adjournment thereof had been made.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid., p.* 409.

See, also, chapter 17, *ante*.

Chap. 21. "Jan. 28, 1765. a Petition of the proprietors of a new plantation called Royalshire Setting forth—That they have near compleated the Settlement of the said plantation; and praying that the said Plantation may be erected into a Town.

In the House of Representatives, Read & Ordered, That the Proprietors have liberty to bring in a Bill for the purposes abovementioned.

In Council Read, and Concurred."—*Council Records, vol. XXV., p.* 360.

Chap. 22. "June 7, 1763. A Petition of the Inhabitants of Dorchester Canada in the County of Worcester. Praying That they may be incorporated into a Town and that they may have liberty to lay a Tax of 2^{s} $\frac{1}{2}^{d}$ pr: Acre on all the Lands in said Township for defreying the necessary Charges thereof.

In the House of Representatives Read and Resolved That the Plantation called Dorchester Canada with the Several Farms therein contained be incorporated into a Town; and the Petitioners are allowed to bring in a Bill accordingly. Resolved also that the Petitioners Notify the proprietors of all the Lands lying within the Bounds of said Dorchester Canada to shew Cause (if any they have) on the second Wednesday of the next Sitting of this Court why the Tax prayed for in this Petition should not be granted by inserting the substance thereof in one or more of the Boston weekly News Papers three weeks successively.

In Council Read and Concurred."—*Council Records, vol. XXV., p.* 37.

Chap. 26. "This is a temporary Act which is frequently renewed. There are some alterations & additions which makes this Act different from the former, which it is not worth while to trouble your Lordships with. I have before observed to Your Lordships that there is a perpetual Act for fees which this temporary Act differs from and thereby partially repeals the perpetual Act. This is an irregularity: but it has subsisted so long before my time, that I cant take exception to it. This Act is enacted only for three years."—*Gov. Bernard to Lords of Trade, Apr.* 8, 1765; "*Mass. Bay, B. T.*," *vol.* 78, *L. L.*, 79, *in Public-Record Office.*

"This Act regulating the Fees of the several Officers within this Province assigns no reason for the passing the same, And the propriety of it must be submitted to Your Lordships."—*Sir M. Lamb's Report, June* 30, 1766: *ibid., vol.* 79, *M. m.*, 55.

Chap. 28. "June 2, 1763. The Secretary delivered the following Message from his Excellency the Governor to the two Houses respectively viz^{t}

Gentlemen of the Council and Gentlemen of the House of Representatives

I am directed by the Lords of Trade to take a particular Account of the number

* *Sic:* "had been kept," &c.?

of the People of this Province with all proper distintions thereof I am desirous to have this done with the utmost exactness, as such information will be of great use to the Government of this Province as well as to his Majesty's Ministers. I therefore propose to have the returns of the several Towns made upon oath according to a form to be issued for that purpose. And as I apprehend these orders will be more effectual, if they are issued under the authority of the whole Legislature; I recommend this affair to your consideration. FRA^s BERNARD."—*Council Records, vol. XXV., p. 22.*

"June 3, 1763. On his Excellency's Message of yesterday. In the House of Representatives. Read and Ordered that M^r Speaker, Major Morey, Judge Russell, M^r Otis, M^r Trowbridge, M^r Foster of Plymouth and M^r Tyler with such as the Hon^ble Board shall appoint be a Committee to take this message under consideration, and make report. In Council Read and Concurred and John Osborne, Benj^a Lynde, Sam^l Watts, Sam^l Danforth, Benj^a Lincoln, and James Otis Esq^rs are joined in the Affair."—*Ibid.*

"June 3, 1763. The Committee appointed on his Excellency's Message of the 1^st Instant made the following report Viz^t The Committee above mentioned having met and taken His Excellency's Message into consideration beg leave to report it as their opinion That it is expedient an able Mathematicion should be engaged for the purposes pointed out in his Excellency's Message. And that his Excellency be desired to appoint one accordingly. In Council Read and sent down. In the House of Representatives. Read and Ordered That this report be accepted: and there upon Resolved That his Excellency be desired to appoint an able Mathematicion for the purposes mentioned accordingly. In Council Read and Concurred (7^th) Consented to by the Governor."—*Ibid., p. 28.*

"June 11, 1763. In the House of Representatives. Ordered That M^r Waldo be of the Committee upon his Excellency's Message relating to the numbering of the inhabitants &c in the room of Major Morey who is absent In Council Read and Concurred."—*Ibid., p. 56.*

"June 15, 1763. The Committee appointed on his Excellency's Message the 2^d Instant reported as their opinion that his Excellency the Governor be desired to give Orders to such Person or Persons in the several Towns of this Province, as he shall judge most proper to take a particular account of the number of the People therein distinguishing them in the manner following viz^t

Whites	Males / Females	under and above the age of sixteen each
Negroes and Molattos		Males and Females
Civilized Indians		Males and Females
Dwelling Houses and Families		

And that Order be given that the Accounts so taken be lodg'd in the Secretarys Office as soon after as may be. In Council Read and sent down

In the House of Representatives Read and not Accepted and Ordered That M^r Otis, M^r Goldthwait and M^r Cushing of Boston with such as the hon^ble Board shall join be a Committee to prepare an Answer to his Excellency's Message and make report. In Council Read and Nonconcurred. And thereupon Resolved That his Excellency be desired to give directions to the Selectmen of the several Towns & Districts within this Province to take an exact account of the Number of Persons in their respective Towns and Districts, with such distinctions as he shall think necessary, and that he give Orders that the account so taken be lodged in the Secretary's Office as soon after as conveniently may be, Also that William Brattle Esq^r with such as shall be joined by the hon^ble House be a Committee to wait on his Excellency the Governor with this Vote. In the House of Representatives Read and Nonconcurred and the House adhere to their own Vote. In Council Read and Nonconcurred."—*Ibid., p. 72.*

"Jan. 20, 1764. The Secretary delivered the following Message from the Governor to the two Houses respectively viz^t

Gentlemen of the Council and Gentlemen of the House of Representatives

At the last Session I informed you that I had Orders from the Lords of Trade among other things to return an account of the numbers of the People of this province, and that I found it necessary to ask your Assistance to enable me to do this in the most effectual manner. This buisiness was then under your consideration, but being some how or other misunderstood, it never came to a conclusion. But I learnt that a principal objection to my proposal was that it did not appear that this Question was equally proposed to other colonies, although upon the Face of the Queries it appeared to be a General and circular Requisition, and that it was frequently repeated at a certain distance of time. As I had no opportunity to satisfy You upon this Point at the last Session; I soon after informed myself of what had been done in the same case in the neighbouring Colony of Connecticut: And I find that this Question has been answered about two years ago, and that this Answer was framed by the same method I proposed to you, namely a Return of the Selectmen of each Town by order of the General Court. It also appears from their Return that the same Question had been proposed in 1756, and that an exact Return had been made to it. If this had been made known to You at the last Session, I make no doubt but that You would readyly have complyed with my Request: And as upon all Ocasions I represent your proceedings in the most favourable Light I can, I have acquainted their Lordships, that I considered this buisiness as posponed only, and that I did not doubt but that it would pass at the next Session. I must therefore desire You to reconsider it according to my former proposal.

Council Chamber, FRA. BERNARD.
January 19^th 1764."—*Ibid., p. 139.*

On the second day of February following, the order recited in the preamble to the act was passed.

"Feb. 15, 1765. The Secretary delivered the following Message from his Excellency the Governor to the two Houses respectively viz^{t}—

Gentlemen of the Council, and Gentlemen of the House of Representatives.

I am to inform you that the Order of the General Court made on the 2^{d} of February 1764 for the Selectmen of each Town and District to make a Return of their Houses, Families & people has been disobeyed by a great part of the Province, so that the Returns which have been made are of no use. I have been near three years endeavouring to carry into Execution this Order which was executed in the Colony of Connecticut by order the Assembly in less than three months: from whence this Contempt of an order of Court so reasonable and useful arises, I am at a loss to say: but surely it will bring a great reproach upon the Province, if you do not intervene to prevent it. I must therefore desire that you will forthwith enforce the Execution of this Order by a short day, and in such a manner as shall leave no room for disobedience or at least that you will furnish me with an Answer to his Majesty's Ministers, shewing cause why this Enquiry cannot be Executed in this Province as well as in others. FRA BERNARD."—*Ibid.*, *p.* 414.

"I have before informed your Lordships of the difficulties I met with in procuring an exact account of the numbers of the people of the Province, which have been occasioned by a few wicked persons insinuating groundless fears and jealousies concerning this measure among the people. Above a year ago the General Court made an order for this business in the manner I desired. This order was but partially obeyed, therefore last Session the General Court passed the present Act which explains itself. It is made a question whether this Act will be universally obeyed however I shall pursue my purpose."—*Gov. Bernard to Lords of Trade, Apr.* 8, 1765: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 79, *in Public-Record Office.*

"Whilst the people in the province were thus disposed to engage in parties, the state of the colonies became a matter of more serious consideration in England, than it had ever been before. The amazing increase of the national debt, by a war engaged in at the solicitations, and for the protection of the colonies, seems to have caused this new attention.

The first proof of it towards Massachusetts Bay was an order to the governor, to obtain a more exact and certain knowledge, than had ever been obtained, of the number of inhabitants, distinguishing age, sex, &c. This the governor could not obtain without the aid of the assembly, by a law to compel the several towns and districts to make return of their numbers. Objections were made to it. Some suspected that it was required for purposes, though they could not discover them, to the disadvantage of the province; others, and not a few, seemed to have religious scruples, and compared it to David's numbering the people. The proposal was referred from one session to another, and, though it was finally agreed to by a majority, yet many remained dissatisfied."—*Hutchinson's Hist. Mass. Bay, vol.* 3, *p.* 103.

Chap. 29. "Jan 31, 1765. According to Agreement the two Houses proceeded to the choice of Civil Officers for the present year, when the under mentioned persons were chosen Collectors of Excise on spirituous Liquors &c for the several Counties as hereafter mentioned by a Major Vote of the Council and House of Representatives. Viz^{t}

Suffolk	M^{r} Thomas Fletcher
Essex	Daniel Epes Esq^{r}
Middlesex	M^{r} Jn^{o} Remington
Hampshire	M^{r} Lewis Bliss
Worcester	M^{r} Levi Willard
Plymouth	Cap^{t} Nath^{l} Little
Barnstable	Tho^{s} Smith, Esq^{r}
Bristol	M^{r} Tho^{s} Gilbert jun^{r}
York	M^{r} David Sewall
Dukes County	M^{r} James Allen jun^{r}
Nantucket	Obed Hussey Esq^{r}
Cumberland	M^{r} Theop^{s} Bradbury
Lincoln	M^{r} Tho^{s} Moulton
Berkshire	M^{r} Elisha Jones jun^{r}

Consented to by the Governor."—*Council Records, vol. XXV., p.* 370.

"June 12, 1765. A Petition of Hewit Root of Great Barrington—Setting forth—That he hath for divers years past been Licensed to keep a publick House in said Town That in November last his House took fire in the night and was burnt down with a great part of his Goods and Effects, that he saved one hogshead of Rum the most of which he expended on his Friends and Workmen who assisted in setting him up another House. And praying that in consideration of his loss & Expence aforesaid his Excise for the present year may be remitted him.

In the House of Representatives. Read and Ordered That the Excise upon what spirituous Liquors the petitioner shall have sold within the space of one year commencing from the first Tuesday of September last be remitted to the petitioner, provided the quantity does not exceed three hundred Gallons.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid., vol. XXVI., p.* 21.

"This is an annual Act of Revenue: it differs much from the former in the means of carrying it into execution, which are made more easy to the traders than the former. It also differs in the excise of Wine, which is but two thirds of the former Act, upon account of the parliamentary duty. Nevertheless Wine is heavily loaded, the whole of the parliamentary, Excise & Tonnage duties amounting to £13-7-6 sterling p^{r} Ton. But as this Act got thro' the general Court with great difficulty, it is expected that it will not be renewed next year: the consideration of the Pro-

vincial Debt got it thro' this time and may possibly one year more: but it will not exceed that."—*Gov. Bernard to Lords of Trade, Apr.* 8, 1765: "*Mass. Bay, B. T.*," *vol.* 78, *L. l.*, 79, *in Public-Record Office.*

Chap. 30. "This Act I am obliged to labour every year to carry thro' the house where the prohibition of the English hunting in the Indians Territories meets with great opposition, But I am so sensible of the necessity of supporting such a prohibition in order to keep the Country in peace that I shall never give it up. It will be impossible to reconcile the Indians to the frequent settlements upon the Eastern Coasts, which we may expect to see now continually increasing unless the Indians are quieted in their hunting grounds, upon which, as they observe, their very being depends and in my opinion the fur trade of that Country also: as the Indians take care to preserve the breed of beavers; the English hunters do all they can to extirpate it. I have allready wrote to Your Lordships upon this subject: so shall only add that I cant assure myself that I shall be able to get this necessary prohibition continued beyond the time of the present Act (to June 1766) tho' I shall use my utmost endeavours to do it."—*Gov. Bernard to Lords of Trade, April* 8. 1765: "*Mass. Bay, B. T.*," *vol.* 78, *L. l.*, 79, *in Public-Record Office.*

Chap. 31. "June 3, 1763. In Council Ordered That John Choate and James Otis Esq^rs with such as the hon^ble House shall join be a Committee to take under consideration the Laws for impowering the Selectmen or overseers of the Poor to take care of Such Persons in their respective Towns as Neglect the due improvement of their Estates, or the care of their Families, and bring in a Bill to make such further Provision in the afore mentioned cases, as they shall judge needful. In the House of Representatives Read and Concurred and Col^o Worthington, M^r Cushing, of Boston, and M^r Otis are joined in the affair."—*Council Records, vol. XXV., p.* 29.

Chap. 33. "This is also an Annual Act of Revenue: it differs from the former in the form of the Oath, in the tunnage upon wine which is but half of the former and in charging bar iron with a certain duty instead of a poundage of the value: I think there is no other material difference from the former Act."—*Gov. Bernard to Lords of Trade, Apr.* 8, 1765: "*Mass. Bay, B. T.*," *vol.* 78, *L. l.*, 79, *in Public-Record Office.*

Chap. 34. "Dec. 23, 1763. In the House of Representatives. Ordered That M^r Trowbridge, M^r Tyler and M^r Brown of Salem with such as shall be appointed by the honorable Board be a Committee to reduce into one Act all the Laws relating to the preservation of alewives and Other Fish and make report.

In Council Read and Concurred and a Committee of the Board was joined in the affair."—*Council Records, vol. XXV., p.* 97.

Chap. 35. "Jan. 22, 1765. In the House of Representatives, Ordered that M^r Otis M^r Cushing, M^r Thacher & M^r Gray with such as the Hon^ble Board shall join be a Committee to prepare & bring in a Bill for the more equal Distribution of the Estates of absconding Debtors among their Creditors, for the preventing of Insolvency & the increase of needless Law suits. The Committee to sit forthwith.

In Council, Read and Concurred: and the Hon^ble Thomas Hutchinson Esq^r Peter Oliver & James Otis Esq^rs are joined in the affair."—*Council Records, vol. XXV., p.* 344.

"Mar. 6, 1765. a Bill intituled 'An Act for preventing fraud in Debtors and for securing the Estates of Insolvent Debtors for the benefit of their Creditors' having passed in Council to be Engrossed, and been sent down to the House for Concurrence; the following order passed thereon viz^t—

In the House of Representatives. Ordered that M^r Otis, Judge Russell and M^r Lee with such as the Hon^ble Board shall join, be a Committee to take under consideration the Bill for preventing fraud in Debtors, and for securing the Estates of Insolvent Debtors for the benefit of their Creditors' and Report what they judge proper to pass thereon.

In Council, Read and Concurred, and Hon^ble Tho^s Hutchinson and Edmund Trowbridge Esq^rs are joined in the affair."—*Ibid., p.* 452.

"This Province has long laboured under the want of a Bankrupt Act. About 8 years ago An Act of this kind was passed, but it was disallowed by the King, upon exceptions urged, as it was said, by some of the London Merchants trading here. This Act was very voluminous and therefore it could not be well expected but that it must have some exceptionable clauses in it. But it is a pity that the Gentlemen that took exception to it did not signify the particulars which they excepted to; that another bill might have been prepared free from such exceptionable parts. As it has been of late, every Insolvency has afforded instances of great partiality and injustice. The Common Method has been for the Creditors who get the earliest advice of a persons becoming insolvent to sue out attachments against the goods and credit of the insolvent, according to the custom of the Country, and help himself to such part thereof as he pleased. A general scramble ensues, there is no regular audit of the Accounts of the Creditors; The goods are sold in an hurry at a low value; and great part of the effects of the debtor are spent in law proceedings and contests between contending attachments. This has been felt and complained of ever since I have been Governor here; but no adequate remedy attempted till of late. This Winter a gentleman, who had acted considerably as a Banker, stop't payment for £170,000 Sterling. This was like an Earthquake to the Town: numbers of people were creditors, some for their all: Evry one dreaded the consequences; Lesser Merchants began to fail; a stop to all Credit was expected and a general

Bankruptcy was apprehended for a time. In this state of things Application was made to the general Court for present relief: but it was difficult to say what could be done there. I could not consent to another Bankrupt Act, because I knew not what were the exceptionable parts of the former Act. At last it was thought proper to send to New York for copies of their Acts for the relief of the Creditors of insolvent Debtors; which having his Majesty's consent either tacit or exprest, it was presumed that a Bill of the like nature would be admissible here. From the New York Acts this Act has been framed: and it does not that I know of, differ materially from them. It must be expected that Experience will point out some necessary emendations of this Act: and therefore it is enacted only for three years. This Circumstance gives me an opportunity so to recommend it to your Lordships, that if exceptions should be taken to some parts of it only and not to the general purport of the Act, Your Lordships will be pleased to signify what alterations you would have made to it, that the whole may not be condemned, for particulars only: for some such Act is absolutely necessary for the trade of this Country, I wish it was more in the nature of the English Bankrupt Acts; so as to prevent partial Attachments especially private ones; but all cannot be done at once."—*Gov. Bernard to Lords of Trade, Apr.* 8 1765: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 79, *in Public-Record Office.*

See, also, note to 1766-67, chapter 5, *post*, and 1769-70, chap. 10.

The following list, compiled from the columns of "The Massachusetts Gazette," of absconding debtors, and debtors who concealed themselves from their creditors, against whom proceedings were commenced under this act, is believed to be complete. Against each name is placed the date of the warrant issued by a justice of the Superior Court of Judicature, the date of the first publication of notice of the issuing of the warrant, and the date of the notice of the time and place of the first meeting of creditors. This last was invariably signed by the trustees appointed, and is usually dated some days earlier than the paper in which it was published The warrants appear to have been generally, if not in every instance, issued either by the Chief Justice, or by Mr. Justice Lynde; and the names of the justice and of the trustees, in each case, are given, opposite the name of the debtor:—

Date of Warrant.	Names of Debtors.	First publication of notice.	Judge.	Names of Trustees.	Date of notice of first meeting.
1765.		1765.			1765.
March 14.	John Scollay of Boston, merchant.	March 21.	Hutchinson, C. J.	John Erving. Thomas Hubbard. William Phillips.	March 20.
19.	John Gerrish of Boston, merchant.	21.	do.	Foster Hutchinson. Samuel Holbrook. Joshua Blanchard.	25.
April 2.	Benjamin Tucker, jr., of Leicester, drover.	April 4.	do.	Jonathan Newhall Nahum Green. Samuel Denny.	April 13.
March 26.	Samuel Smith of Boston, vendue-master & trader.	4.	do.	John Tudor. James Noble. Edward Procter.	10.
April 15.	Robert Treat of Boston, cooper.	19.	do.	John Gore. John Leverett. John Sweetser.	May 7.
19.	Duncan Campbell of Oxford, trader.	19.	do.	Daniel Jones. Ebenezer Coburn. Thomas Town.	April 29.
22.	Nathan Waite of Marblehead, victualler.	25.	Lynde, J.	Nathan Bowen. Thomas Robie. Francis Felton.	May 4.
May 3.	John Davison of Dudley, trader.	May 9.	Hutchinson, C. J.	Edward Raymond. Alexander Campbell. Ebenezer Coburn.	29.
6.	John Basset of Marblehead, shoreman.	9.	Lynde, J.	Nathan Bowen. Joseph Lemmon. Samuel Swett.	13.
4.	Isaac Codman of Charlestown, mariner or trader.	16.	Hutchinson, C. J.	Stephen Hall. Samuel Hendley. John Solley.	23.
27.	Samuel Russell of Littleton, cooper.	30.	do.	Abel Lawrence. Samuel Tuttle. Thomas Stearns.	June 6.
June 5.	John Peek* of Roxbury, victualler.	June 6.	do.	David Flagg. William Dickman. Robert Sloan.	Sept. 9.
5.	Nowell Dodge of Westford, cooper.	6.	do.	Nathaniel Boynton. Ephraim Hildreth, jr. John Tarbell.	July 13.
4.	Joshua Bond of Lexington, trader.	6.	do.	Richard Devens. Jonathan Harrington. Thomas Brown.	Aug. 21.

* Or "Pike."

Date of Warrant.	Names of Debtors.	First publication of notice.	Judge.	Names of Trustees.	Date of notice of first meeting.
1775.		1765.			1765.
4.	William Bryant of Sudbury, innholder.	6.	Hutchinson, C. J.	Samuel Welles. Zachariah Johonnot. Samuel Parkman.	July 10.
15.	Nathaniel Wheelwright of Boston, merchant.	20.	do.	Francis Johonnot. George Bethune. James Perkins.	Oct. 1.
17.	Benjamin Milliken of Scarborough, trader.	20.	do.	Joseph Sherburne. Benjamin Davis. Samuel Parkman.	July 10.
14.	Aaron Brown of Littleton, housewright.	20.	do.	George Pierce. Phineas Brown. Jonathan Symonds.	26.
17.	John Butler of Boston, shopkeeper.	20.	do.	Nathaniel Rogers. Daniel Jones. Philip Dumaresq.	Aug. 21.
20.	James Nichols of Boston, mariner and trader.	27.	do.	Samuel Hendley. Benjamin Church. William Mackay.	July 10.
July 10.	John Winniett of Boston, merchant.	July 11.	do.	Leonard Jarvis. John Hancock. John Timmins.	Aug. 1.
10.	John Austen of Charlestown, leather-dresser.	11.	do.	John Erving, jr. David Cheever. John Soley.	July 29.
10.	John Austen, jr., of Charlestown, trader.	11.	do.	John Erving, jr. David Cheever. John Soley.	
12.	Nathan Sargent of Malden, blacksmith.	18.	do.	Ebenezer Harnden. James Kettle. Ezra Sargent.	Aug. 7.
25.	Jacob Bucknam of Boston, truckman.	Aug. 1.	do.	Seth Blodget. Samuel Blodget. Thomas Bradford.	8.
31.	Thomas Rice of Boston, ropemaker.	1.	do.	Samuel Adams. Daniel Jones. William Phillips.	15.
31.	Thomas How of Boston, tinplate worker.	1.	do.	Timothy Newell. John Leverett. Samuel Ridgeway.	6.
Aug. 5.	James Forbes of Boston, shopkeeper.	8.	do.	John Rowe. Nicholas Boylston. John Borland.	9.
6.	Samuel Vans of Boston, merchant.	8.	do.	John Homer. John Sweetser. Joseph Callender.	15.
5.	Benjamin Choate of Newburyport, innholder.	8.	Lynde, J.	William Moreland. Daniel Dole. John Harris.	26.
7.	Thomas Carnes of Boston, trader.	8.	Hutchinson, C. J.	Joseph Jackson. John Stevenson. James Allen.	21.
12.	Benjamin Thompson of Boston, mariner.	15.	do.	John Shepard. Alexander Campbell. James Thompson.	Sept. 11.
12.	William Owen of Boston, trader.	22.	do.	Thomas Cushing. Hugh McDaniel. John Brown.	11.
22.	Benjamin Bagnall, jr., of Boston, watchmaker.	29.	do.	Samuel Downe. Nathaniel Appleton. Thomas Leverrett.	4.
29.	William Tyler Kilby of Boston, brazier.	Sept. 5.	Lynde, J.	Benjamin Parker. Thomas Marshall. Daniel Jones.	5.
Sept. 9.	Ebenezer Pratt of Lunenburgh, yeoman.	12.	Hutchinson, C. J.	Alexander Shepard. Thomas Litch. John Richards.	Oct. 3.
9.	Jonathan Berry of Lynn, cordwainer.	12.	Lynde, J.	Nathaniel Henchman. Abner Cheever. William Estes.	Sept. 17.
10.	Edward Oliver of Malden, victualler.	19.	Hutchinson, C. J.	Eben Harndell. John Newhall. James Kettle.	Oct. 7.
20.	Thomas Bell of Roxbury, victualler.	26.	do.	Robert Hewes. John Ball. John Green.	23.
5.	Nowell Dodge, jr., of Westford, cooper.	26.	Lynde, J.	Ebenezer Stone. Leonard Procter. George Pierce.	15.

Date of Warrant.	Names of Debtors.	First publication of notice.	Judge.	Names of Trustees.	Date of notice of first meeting.
1765. Sept. 19.	Jonas Powers of Lunenburgh, husbandman.	1765. Sept. 26.	Hutchinson, C. J.	Nathaniel Willard. Simon Willard. John Willard.	1766. June 7.
Oct. 5.	Elizabeth Ridgeway of Boston, shopkeeper.	Oct. 10.	do.	Leonard Jarvis. Thomas Gray. Thomas Pitts.	1765. Oct. 31.
5.	Benjamin Goldthwait of Boston, tailor.	10.	do.	Jonathan Bagley. John Boit. William Dawes, jr.	23.
14.	George Stimpson, jr., of Hopkinton, husbandman.	17.	do.	John Wilson. John Wood. Samuel Warren.	Dec. 5.
15.	Elisha Brown of Boston, shopkeeper.	17.	do.	John Brown. John Stevenson. John Hodgson.	Oct. 25.
15.	John Coverly of Boston, goldsmith.	17.	do.	John Ruddock. Jonathan Payson. Francis Shaw.	23.
15.	Thomas Follingsby*of Newburyport, merchant.	17.	Lynde, J.	Ezekiel Hale. William Moreland. John Lowell, jr.	23.
15.	James Joseph Villiers of Boston, retailer.	17.	[Not given.]	Zechariah Johonnot. William Bowdoin. Ralph Inman.	24.
17.	Jonathan Hobby of Boston, merchant.	17.	Hutchinson, C. J.	David Jeffries. Samuel Downe. Oliver Wendell.	23.
22.	Grant Webster of Salisbury, trader.	24.	Lynde, J.	Jonathan Bagley. Benjamin Harrod. Francis Shaw.	31.
30.	Isaac Pierce of Boston, baker.	31.	Hutchinson, C. J.	William Whitwell. Nathaniel Loring. John Sweetser, jr.	Nov. 20.
24.	Peter Wheeler of Stow, yeoman.	31.	Lynde, J.		
29.	Jedediah White of Watertown, laborer.	31.	do.	Ephraim Pierce. John Dix. Nathaniel Bridge.	4.
31.	Richard Palmes of Boston, apothecary.	31.	Hutchinson, C. J.	Samuel Sturgis. Samuel Quincy. Thomas Pitts.	Nov. 28.
				Joshua Henshaw. William Coffin, jr. William Greenleaf, jr.	Dec. 26.
31.	Benjamin Johnson of Boston, japanner.	31.	do.	Moses Deshon. Thomas Jackson. Samuel Parker.	Nov. 27.
31.	Nathaniel Sanger of Watertown, tailor.	Nov. 7.	do.	Jonathan Brown. Cornelius Waldo. Jedidiah Leathe.	1766. Jan. 18.
30.	Elizabeth Richardson of Woburn, widow.	7.	do.		
30.	Jabez Richardson of Woburn, baker.	14.	do.	Jacob Eames. Zebadiah Wyman, jr. Benjamin Richardson.	Aug. 5.
30.	Samuel Stebbins of Boston, mariner.	14.	do.	Nathaniel Holmes. Philip Freeman. Robert Gould.	1765. Nov. 15.
1766.† Feb. 15.	Joseph Grafton, jr., of Salem, mariner.	1766. Feb. 27.	Lynde, J.	David Britton. Thomas Mason. George Williams.	1766. March 24.

* "Follansbe," in the notices to creditors.

† The Stamp Act went into operation Nov. 1, 1765. It was repealed March 18, 1766; and tidings of the repeal reached Boston on the sixteenth of May. Early in February, however, agreeably to a recommendation by the Council, the justices of the Superior Court of Judicature met to determine, whether or not they would proceed with business at the ensuing terms of the court. The determination of the majority of the bench was expressed in a reply prepared by the chief justice, which, though equivocal, was understood to be a declaration that, if the condition of affairs remained unchanged at the opening of the court, trials and other business would proceed, from necessity, without the use of the stamps required by the act of parliament.

Thereupon the inferior courts, some of which, as well as some of the probate courts, had already begun to pursue this course, proceeded to business; and, outside of the courts, conveyances were made, and commercial business was conducted, as if no stamp act existed.

The next Superior Court was held in Suffolk, on the second Tuesday of March; and, although

Date of Warrant.	Names of Debtors.	First publication or notice.	Judge.	Names of Trustees.	Date of notice of first meeting.
1766.		1766.			1766.
Jan. 6.	John Winchester of Brookline, trader.	March 6.	Hutchinson, C. J.	Daniel Jones. William Wheat. William Dawes, jr.	March 19.
March 4.	Alexander Bridford of Boston, mariner.	6.	do.	Mathew Macnamara. James Martin. William Hitchbourn.	19.
14.	Henry Quincy of Boston, merchant.	20.	Lynde, J.	David Cheever. Theopilus Lillie. James Charity.	April 10.
19.	John Callender of Boston, baker.	20.	Hutchinson, C. J.	John Sweetser. Joseph Callender, jr. William Hickling, jr.	March 27.
April 7.	Edward Ingraham of York, innholder.	April 10.	do.	Richard Cutt. James Johnson. Samuel Weeks.	Aug. 5.
15.	Jedediah Bass of Grafton, cordwainer.	17.	Lynde, J.	Norton Quincy. Jonathan Webb. John Ruggles.	May 1.
18.	Philemon Houghton of Lancaster, cordwainer.	25.	do.	Levi Willard. John Carter. Oliver Dole.	7.
25.	Ephraim Corey of Stow, cordwainer.	May 1.	do.	Deliverance Brown. Joseph Brown. Charles Brown.	15.
May 26.	Ephraim Fenno of Boston, leather-dresser.	29.	Hutchinson, C. J.	Samuel Sumner. Isaac Ridgway. John Savage.	June 4.
26.	Sampson Crosby of Billerica, laborer.	29.	do.	William Needham. John Webber. Hugh Maxwell.	14.
26.	Thomas Allen of Pownalborough, merchant.	29.	do.	William Cushing. Charles Cushing. Jonathan Bowman.	7.
26.	Jonathan Bryant of Pownalborough, gentleman.	29.	do.	William Cushing. Abiel Lovejoy. John M'Keckney.	7.
April 23.	Ebenezer Stebbins of Springfield, yeoman.	22.	do.	Moses Church. Isaac Morgan. Thomas Taylor.	July 29.
May 26.	John Stevens of Boston, merchant.	June 5.	Lynde, J.	Hugh McDaniel. Joseph Scott. Joshua Blanchard.	June 12.
June 10.	Samuel Hardcastle of Rutland, merchant.	12.	Hutchinson, C. J.	John Murray. Ebenezer Coffin. Daniel Bliss.	July 29.
6.	William McVickers of Newburyport, merchant.	12.	Lynde, J.		
12.	Ebenezer Stetson of Dighton, merchant.	19.	Hutchinson, C. J.	Jerathmeel Bowers. John Rowe. Job Winslow.	9.
16.	Jonathan Webb of Falmouth, merchant.	19.	do.	John Waldo. Jonathan Williams. Samuel Parkman.	23.
11.	Ratcliff Hellon of Taunton, merchant.	19.	do.	Robert Treat Paine. John Adams. George Williams.	14.
May 7.	Nathaniel Richardson of Boston, gentleman.	19.	do.	Solomon Kneeland. Israel Loring. John Bennet.	
June 17.	Timothy Clements* of Newbury, husbandman.	26.	Lynde, J.	Moses Clement. John Brown.	19.
14.	Samuel Browne of Ipswich, mariner.	26.	do.	George Stacey. Jonathan Glover. John Glover.	2.
21.	Daniel Bradley jr., of Haverhill, trader.	July 10.	do.	Nathaniel Peasley Sargent William Mitchell. Cornelius Mansis.	23.
16.	Humphrey Scammen of Kittery, gentleman.	Sept. 25.	Hutchinson, C. J.	James Gowen. William Leighton.	Sept. 29.

Hutchinson declares that, at that term, at which he declined to be present, all business requiring stamps was continued to an adjourned session, or to the next term (Hist. Mass. Bay. vol. 3, p. 146), it is clear that even before the date of the above-named declaration of the justices, he did not decline to issue warrants under the insolvency acts.

* Sometimes printed "Clement."

Date of Warrant.	Names of Debtors.	First publication of notice.	Judge.	Names of Trustees.	Date of notice of first meeting.
1768.		1768.			1768.
Feb. 8.*	Benjamin Hammet of Boston, merchant.	Feb. 11.	Hutchinson, C. J.	Thomas Flucker. Nathaniel Greenwood. John White.	Feb. 16.
9.	Jonathan Hall, late of Roxbury, potter.	11.	do.	Samuel Sumner. Nathaniel Felton. Aaron Davis, jr.	16.
11.	John Furnass, late of Boston, merchant.	11.	do.	Timothy Prout. William Taylor. Joseph Henderson.	25.
11.	Moses Pitcher of Boston, glazier.	11.	do.	Daniel Jones. Nathaniel Wales. John Joy.	17.
11.	Benjamin Joy of Sherburne, yeoman & trader.	11.	do.	Daniel Jones. Moses Peck. Gawen Bowen.	17.
16.	John Mills of Boston, housewright.	18.	do.	Samuel Downe. Robert Pierpont. John Joy.	22.
16.	Dinely Wing of Boston, boatbuilder.	18.	do.	Thomas Palfrey. Job Wheelwright. William Hoskins.	23.
17.	Pool Spear of Boston, tailor.	18.	do.	David Spear. Edward Blanchard. John Soren.	23.
15.	Joseph Remick of Newburyport, ship-carpenter.	18.	Lynde, J.	Daniel Farnham. Moses Little. Benaiah Young.	29.
15.	William Alford of Newburyport, victualler.	18.	do.	William Moulton. Richard Tucker.	25.
15.	Dr. John Newman of Newburyport, physician.	18.	do.	Robert Roberts. Jacob Boardman. William Morland.	25.
17.	Samuel Bayley † of Boston, feltmaker.	18.	Hutchinson, C. J.	William Fairfield. John Haskins. James Perkins.	25.
17.	Increase Blake of Boston, tinplate worker.	18.	do.	John Leverett. Martin Gay. Daniel Parker.	20.
17.	Christopher Montgomery of Boston, trader.	18.	do.	Thomas Ivers. Timothy White. Samuel Webb.	22.
17.	Paul Baxter of Boston, cooper.	18.	do.	Richard Billings, jr. Nathan Spear. Benjamin Barnard.	23.
22.	James Apthorp of Boston, merchant.	25.	do.	Shrimpton Hutchinson. Benjamin Davis. Thomas Ivers.	March 2.
22.	Jacob Treadwell of Ipswich, innholder.	25.	Lynde, J.	Michael Farley. Daniel Rogers. Nathaniel Farley.	1.
17.	William Nichols of Boston, gentleman.	25.	Hutchinson, C. J.	Benjamin Church. Atier Stoddard. Jonathan Brown.	2.
19.	Thomas Coverly of Sudbury, trader.	25.	do.	Robert Gould. Daniel Jones. Stephen Cleverly.	2.

* The insolvency act (1764-65, chap. 35, and 1765-66, chap. 2), were repealed by chap. 5 of the acts of 1766-67, which was passed June 27, 1766; and their operation, which had been interrupted, for a while, by the Stamp Act, was, at the close of the third session of the Assembly of 1765-66, suspended, except in respect to proceedings already commenced, by a resolve (which is given, in full, in the note to 1766-67, chap. 5, *post*) passed in anticipation of the passage of the repealing act.

The insolvency acts again went into operation, Feb. 3, 1768, upon receipt of notice of the order in Council disallowing the repealing act, which, it seems to have been generally assumed, revived the former acts; but, as their continuance was limited to March 12, 1768, it was found necessary to pass an act for completing unfinished cases, many of which were begun in this short interval. This, however, was not effected until April 26, 1770. (Act of 1769-70, chap. 10.)

The following notice appeared in "The Massachusetts Gazette and Boston News-Letter" of Feb. 4, 1768:—

"Province of the Massachusetts Bay. In Council, Feb. 3, 1768.

His Excellency having laid before the Board an Order of His Majesty in his Privy Council dated the 24th Day of July, 1767, by which His Majesty hath been pleased to disallow and reject an Act passed by the Great and General Court or Assembly of this Province in June 1766, intituled as follows; viz., [Here follows the title of the repealing act.]

It was Advised and Ordered that Notice be given in the Massachusetts Gazette that all Persons concerned therein may govern themselves accordingly.

A. OLIVER, *Secr'y.*"

† "Bailey," in trustees' notice.

Date of Warrant.	Names of Debtors.	First publication of notice.	Judge.	Names of Trustees.	Date of notice of first meeting.
1768.		1768.			1768.
Feb. 19.	William Jones of Medford, innholder.	25.	Hutchinson, C. J.	Daniel Jones. Samuel Jenks. James Kettell.	1.
19.	Ebenezer Lowell of Newburyport, hatter.	25.	Lynde, J.	Bulkley Emerson. John Dummer. Abel Greenleaf.	1.
25.	Lemuel Stetson of Boston, housewright.	25.*	Hutchinson, C. J.	Robert Pierpont. Thomas Maccarty. John Soren.	9.
24.	Samuel Pierce of Boston, shipwright.	25.*	do.	Benjamin Harrod. Robert Pierpont. John Ballard.	2.
24.	Benjamin Eaton of Boston, hatter.	25.*	do.	Joseph How. Nathan Spear. Andrew Boardman.	3.
24.	Joseph Tirrell of Braintree, victualler.	25.*	do.		
23.	William Darricott† of Boston, baker.	25.*	do.	Thomas Hutchinson, jr. John Sweetser, jr. Andrew Black.	2.
22.	Abiel Lucas of Boston, mariner.	25.*	do.		
24.	Robert Sloan of Boston, distiller.	25.*	do.	Andrew Black. David Flagg. Samuel Sloan.	1.
23.	John Oliver of Malden, victualler.	25.*	do.	Ebenezer Harnden. James Kettell. Benjamin Edwards.	1.
24.	Nathaniel Emmons of Boston, goldsmith.	25.*	do.	Samuel Emmons. Josiah Nottage. Thomas Bumstead.	3.
24.	Daniel Ballard jr., of Boston, ship-joiner.	25.*	do.	Benjamin Church, jr. William Hoskins. Thomas Rice.	3.
22.	Thomas Hoppen of Charlestown, baker.	25.*	do.	Caleb Call. Nathaniel Rand. Jacob Rhodes, jr.	2.
22.	John Greer of Newburyport, staymaker.	25.*	Lynde, J.	John Holliday. Edward Northey. Joseph Swasey.	7.
24.	Benjamin Ingalls of Newburyport, gentleman, *alias* tallow-chandler.	25.*	do.	Moses Littell. Jeremiah Pearson. John Ingalls.	1.
March 2.	James Green of Malden, husbandman.	March 3.	Hutchinson, C. J.	Ebenezer Harnden. James Kettell. Edward Sprague.	9.
Feb. 25.	James Hayes of Reading, leather-dresser.	3.	do.		
22.	Joseph Smethurst of Marblehead, trader.	3.	Lynde, J.		
March 1.	John Rand of Newburyport, baker.	3.	do.	William Teel. Joseph Frothingham. Andrew Frothingham.	7.
1.	Joseph Wood of Newburyport, chaisemaker.	3.	do.	Benjamin Harrod. John Wood. Daniel Balch.	9.
Feb. 27.	Gideon Parker of Ipswich, shipwright.	3.	do.	William Dodge. William Jones. Nathaniel Farley.	15.
27.	Nathaniel Conants‡ of Beverly, yeoman.	3.	do.	Benjamin Jones. William Dodge. Benjamin Cleeves.	9.
March 1.	John White 3d of Haverhill, gentleman.	3.	do.	Edmund Moores. John White. Cornelius Mansize.	9
2.	William Rhodes of Boston, mariner.	4.	Hutchinson, C. J.		

* "Massachusetts Gazette," *extra*, dated Feb. 25, but published next day.
† "Darracott," in trustees' notices.
‡ "'onant," in trustees' notice.

Date of Warrant.	Names of Debtors.	First publication of notice.	Judge.	Names of Trustees.	Date of notice of first meeting.
1768.		1768.			1768.
March 2.*	Benjamin Parker of Rutland, innholder.	March 4.	Hutchinson, C. J.		
9.	Peter Thurston of Lancaster, feltmaker.	10.	do.		
8.	Joshua Convers of Cambridge, victualler.	10.	do.		
5.	Jeremiah Pecker of Haverhill, gentleman.	10.	do.		
3.	Henry Spring of Worcester, gentleman.	10.	do.		
5.	Phineas Butler of Lunenburg, husbandman.	10.	do.		
4.	Richard Skinner of Marblehead, merchant.	10.	Lynde, J.	Nathan Bowen. Thomas King. Thomas Lewis.	16.
4.	Samuel Bradley of Haverhill, trader.	10.	do.	Isaac Osgood. Benjamin Moores. Joseph Haynes.	11.
2.	Daniel Conant of Beverly, husbandman.	10.	do.	Benjamin Jones. William Dodge. Benjamin Cleeves.	9.

* This date is conjectural: it is not given in the notice.

ACTS,

PASSED 1765–66.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-ninth day of May, A.D. 1765.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his excellency Francis Bernard, Esquire, captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of this government. [*Passed June* 6; *published June* 25.

Grant of £1,300 for the support of his majesty's governor.

CHAPTER 2.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT FOR PREVENTING FRAUD IN DEBTORS, AND FOR SECURING THE EFFECTS OF INSOLVENT DEBTORS FOR THE BENEFIT OF THEIR CREDITORS."

Whereas, in and by an act made and passed in the present year of his majesty's reign, intitled "An Act for preventing fraud in debtors, and for securing the effects of insolvent debtors for the benefit of their creditors," it is provided, among other things, as follows; viz., "That if any absconding or concealed debtor or debtors shall, at any time after the appointment of trustees, and the meetings of the creditors as aforesaid, offer to surrender themselves, and disclose and also deliver up their whole estate, if any shall remain in their hands, and the major part of the creditors in number and value, shall, in order to the discharge of such debtor or debtors, present a petition to any two of the justices of the superior court of judicature, court of assize and general goal delivery, it shall and may be lawful for such two justices, if no just objection be offered, to discharge such debtor or debtors accordingly;" *and whereas* absconding or concealed debtors, having surrendered their whole estates, are rendered incapable, during their confinement, of supporting themselves and families,—

Preamble. 1764-65, chap. 35, § 11. 15 Mass. 406.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That if any absconding debtor, after the appointment of trustees of his or her estate, pursuant to the provision made in the aforesaid act, shall deliver, in writing, to the said trustees, an account of all his or her creditors, and the sums respectively due and owing to

Debtor who shall deliver in a true account upon oath shall, upon certificate from the major

part of the creditors, be freed from arrest.

them, and shall make oath that such account, according to the best of his or her knowledge and belief, is just and true, and the major part of such creditors in number and value, shall, by writing, under their hands, or the hands of their attornies, desire that the body of such debtor may be freed from arrest, it shall and may be lawful for any one of the justices of the superior court of judicature, court of assize and general goal delivery, to certify, under his hand, that the major part in number and value of the creditors of such debtor have signified their consent that he or she be free from arrest; and from and after the date of such certificate, such debtor, for all debts contracted before the issuing the warrant to attach and seize his or her estate, shall be free from arrest for and during the term of eighteen months from the first appointment of trustees, and also for and during the further term of two months after the expiration of the said eighteen months; that so the major part of the creditors, whose claims shall have been allowed, may have opportunity, if they see cause, of presenting a petition for the final discharge of such debtor, pursuant to the provision made in the aforesaid act.

And be it further enacted,

Upon the death or removal of any trustee or trustees, the creditors may appoint others.

[SECT. 2.] That in case of the death or removal out of the province of any trustee or trustees appointed by virtue of the aforesaid act, it shall and may be lawful for the creditors, present at any meeting duly called, by a major vote, to chuse another trustee or trustees in his or their stead; and in case any trustee or trustees appointed as aforesaid shall desire to be excused from continuing in such trust, it shall and may be lawful for the major part of the creditors present at any meeting duly called, to chuse, if they see cause, another trustee or trustees in his or their stead.

And be it further enacted,

Sheriff to make a true inventory of estate or effects seized and taken.

[SECT. 3.] That the respective sheriff or sheriffs to whom any warrant for attaching, seizing and securing the effects of any absconding or concealed person shall be directed, in pursuance of the aforesaid act, be and hereby are required to make a just and true inventory of all the estate and effects seized and taken, and return the same, signed by himself, to the justice who shall have issued the warrant as aforesaid.

And be it further enacted,

Creditors who have made attachments, not to share with other creditors unless they shall discontinue their suits.

[SECT. 4.] That if any creditor of any debtor whose estate shall by warrant be hereafter attached, seized and secured, in pursuance of the aforesaid act, shall have made any attachment of the goods or estate of such debtor, or commenced any process against any trustee of such debtor, upon which attachment or process judgment shall not have been recovered before the date of the said warrant, such creditor shall not be admitted to share any part or proportion of such debtor's estate with his other creditors, unless such creditor shall discontinue such suit or process, or cause or suffer the judgment which may be recovered thereon to enure to the common use and benefit of the creditors of such debtor, anything in the aforesaid act to the contrary notwithstanding.

Limitation.

[SECT. 5.] This act to continue and be in force until the twelfth day of March, one thousand seven hundred and sixty-eight, and no longer.

[*Passed June* 18; *published June* 25.

CHAPTER 3.

AN ACT TO ESTABLISH AND CONFIRM THE RECORDS OF THE PROPRIETORS OF ATHOL.

Preamble.

Whereas, in the beginning of the first settlement of a tract of land at a place called and known by the name of Pequoig, now Athol, in the county of Worcester, and for many years after, Joseph Lord, Esq., was their proprietors' clerk, who, removing out of this province, carried the records of the said propriety with him, which cannot be obtained; since which the said proprietors, from original papers, have made and agreed upon a new book of records, which, with the records of the transactions of some meetings of said proprietors, now in the hands of the Reverend Mr. Abraham Hill, their late clerk, will make a compleat book of records to this time; and the said proprietors having made application to this court that the same may be confirmed: wherefore,—

Be it enacted by the Governor, Council and House of Representatives,

The records of the proprietors of Athol, established.

That the Reverend Mr. Abraham Hill, late the proprietors' clerk of the town of Athol, in the county of Worcester, be and hereby is directed and required to deliver the records of the transactions of the several meetings of the said proprietors of Athol, now in his hands, to Nathan Goddard, their present clerk, which, with the book of records, voted and agreed upon by the said proprietors at their meeting on the third day of May, one thousand seven hundred and sixty-three, now in the said Goddard's hands, are hereby established and confirmed, as the records of said proprietors, to all intents and purposes whatsoever, so as to bind the said proprietors, and no others. [*Passed June* 18; *published June* 25.

CHAPTER 4.

AN ACT TO IMPOWER THE PROVINCE TREASURER TO DRAW BILLS OF EXCHANGE UPON JASPER MAUDUIT, ESQ., LATE AGENT OF THE PROVINCE IN GREAT BRITAIN.

Preamble.

Whereas there will remain in the hands of Jasper Mauduit, Esq., the sum of eight thousand three hundred thirty-three pounds seventeen shillings and sixpence sterling, after payment of the bills for which the treasurer is, by a former act, impowered to draw, being part of the sum he received, on behalf of this province, out of the grant made by parliament to enable his majesty to recompence his northern colonies in America for their military services,—

Be it enacted by the Governor, Council and House of Representatives,

Province treasurer empowered to draw bills of exchange.

That the province treasurer be and he hereby is impowered and directed to draw bills of exchange on Jasper Mauduit, Esq., late agent of this province, for a sum not exceeding eight thousand and thirty-three pounds seventeen shillings and sixpence; and the said bills shall be drawn on the following condition; viz., that for every hundred pounds sterling for which such bills shall be drawn, one hundred and thirty-five pounds lawful money of this province shall be paid into the province treasury; that such bills shall be drawn, payable to the persons purchasing the same, or to their order, at thirty days' sight; but if the said Jasper Mauduit, at the expiration of thirty days, shall not pay the

said bills, then interest shall be allowed, from the expiration of said thirty days, at the rate of six per cent per annum, until paid; and such bills shall not be protested untill twelve months shall be expired from their respective dates; and in case of their being returned protested, after the expiration of said twelve months, the province treasurer shall repay the sums received into the treasury for such bills, with the lawful interest from their respective dates, but shall not be liable to pay any loss or damages on account of the protesting such bills: said bills to be of the form following; viz.,—

Form of the bill.

Exchange for £ sterling. (No.), Boston, , 176 .

Sir,

At thirty days' sight of this my first per exchange (second, third and fourth, of the same tenor and date, unpaid), pay unto , or order, pounds sterling, for value received, and charge it to the province of the Massachusetts Bay; but if it is not paid at said thirty days' sight, then pay interest on that sum, from the expiration of said thirty days until paid, at the rate of six pounds per cent per annum; and if this bill and interest is not paid in twelve months from the date hereof, I hereby oblige myself, and successors in the office of treasurer of the province of the Massachusetts Bay, to pay said bill, with interest from the date of it, at the above rate, until paid, when it shall be returned with a protest into the office aforesaid, but no other charges or damages: *provided*, that, if payment shall not be demanded within fifteen months after the date of said protest, the interest shall, from that time, determine and cease.

H. G., Province Treasurer.

To Jasper Mauduit, Esq., late agent for the province of the Massachusetts Bay, in London.

[*Passed June* 21; *published June* 25.

CHAPTER 5.

AN ACT FOR REGULATING THE GRAMMAR SCHOOL IN IPSWICH, IN THE COUNTY OF ESSEX, AND FOR INCORPORATING CERTAIN PERSONS TO MANAGE AND DIRECT THE SAME.

Preamble.

8 Met. 584, 594.

WHEREAS divers piously disposed persons, in the first settlement of the town of Ipswich, in the county of Essex, granted and conveyed to feoffees in trust, and to such their successors in the same trust as those feoffees should appoint, to hold perpetual succession, certain lands, tenements and annuities by them mentioned, for the use of school-learning in the said town forever; of which feoffees John Choate, Samuel Rogers, Aaron Potter and Francis Choate, Esqrs., are the only survivors; *and whereas* the said town of Ipswich did also, in their laudable concern for promoting learning, about the same time, and for the same uses, give and grant to certain persons in their grants mentioned, and to such others as the said town should appoint, a large farm, then called a neck of land, scituate in Chebacco, in the said Ipswich, with some other lands, the rents of which to be applied to the use of learning in said town as aforesaid; but, as is apprehended, no power was given by the said town, to their trustees, to appoint successors, in that trust, for receiving and applying the rents, or of ordering and directing the affairs of the school in said town, as in the first-mentioned case is provided; from which difference in the original constitution of those grants, which were all designed for one and the same use, disputes have heretofore arisen between the said town and the said feoffees; and also some doubts have arisen whether, by the constitution of those grants as aforesaid, it is in the power, either of the said town or

feoffees, to compel the payment of the rents of said farm and other lands granted by said town, as before mentioned; *and whereas*, for the removal of the aforesaid difficulties, on the joint application of both said town and the then feoffees, this court did, in the twenty-ninth year of his late majesty King George the Second, by one act then passed, intituled "An Act for regulating the grammar school in Ipswich, and for incorporating certain persons to manage and direct the same," empower the then surviving feoffees, with three successors, together with part of the selectmen of said town, for the time being, as an incorporate body, to manage and direct the affairs of said school for ten years then next coming, in manner as in said act is expressed, which ten years will expire on the first day of March next; *and whereas* it has been found by experience that the said act has been of great advantage to the interest of learning in said town, and that all doubts and disputes aforementioned, from the passing of said act, have ceased, and the parties concerned have desired the continuance of the aid of this court touching the premisses; wherefore,— 1755-56, chap 26.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the first day of March next, the aforenamed John Choate, Samuel Rogers, Aaron Potter and Francis Choate, Esqrs., the present surviving feoffees on the part of the private persons granting lands as aforesaid, together with Michael Farlow, Samuel Burnham and Samuel Lord the third, three of the present selectmen of the said town of Ipswich, shall be and they are hereby incorporated a joint committee or feoffees in trust, with full power and authority by the whole, or the major part of them, to pass necessary leases of any of said lands, not prejudicial to any lease already made and not exceeding the term of twenty-one years at any one time; also to demand and receive all rents and annuities, on such other grants or leases relative to said school, that now is or that hereafter may be, and, if need be, to sue for and recover the same, either by themselves or by their attorney; also to appoint a clerk and treasurer, also a grammar-school master, from year to year; and, from time to time, to agree with him and them for his and their salaries; and to apply the said rents, grants and annuities for the payment of his and their salaries, and for the discharge of other necessary expences attending this affair, so far as those rents, grants and annuities will go; with a like power from time to time to inspect the said school and master, and, in general, to transact and order all matters and things relative to said school, and to all the lands, grants, rents and annuities that do now, or that may hereafter, belong to said school, arising from the donations aforesaid, so as best to answer the general design and intent thereof; annually laying an account of their proceedings in this trust before the said town, at their March meeting, for their inspection. Feoffees of Ipswich school appointed. Their power.

And for the continuance of the succession of the aforenamed committee or feoffees,—

Be it further enacted,

[Sect. 2.] That if either the said John Choate, Samuel Rogers, Aaron Potter or Francis Choate, shall decease, or move out of the said town of Ipswich, or otherwise become incapable or unfit to discharge said trust, or unreasonably neglect to do it, it shall and may be lawful for the surviving and qualified remainder of those four persons, from time to time, to appoint some other suitable and qualified person or persons in his or their room so deceasing, removing or otherwise unqualified, or neglecting his or their duty as aforesaid; which power of appointment shall descend to those so appointed, so as always to have four of said feoffees constituted in this way, and no more; no person at Vacancies among the feoffees, how to be filled up.

any time to be appointed that is not an inhabitant of the said town of Ipswich: and the selectmen aforesaid, by this act incorporated as aforesaid, shall, from year to year, be succeeded by the three eldest, in that office, of the selectmen of that town, other than such of them as be also one of the feoffees constituted as aforesaid; and in case it shall so happen, at any time, that there are not three selectmen chosen by the said town who have served in that office before, then those first named in such choice shall succeed as aforesaid.

And, for rendering the whole more effectual,—

Be it further enacted,—

Feoffees may sue or be sued, as such.

[SECT. 3.] That the aforesaid committee, or feoffees in trust, may, in all matters relative to said grammar school, in which they may by force of this act be concerned, sue or be sued by the name of Feoffees of the Grammar School in the town of Ipswich, in the county of Essex; and in this power their successors shall, from time to time, be included, with respect to the transactions of those who may have preceeded them in that trust.

Limitation.

[SECT. 4.] This act to continue and be in force for the term of twenty-one years from the first day of March next, and no longer. [*Passed June* 21; *published June* 25.

CHAPTER 6.

AN ACT FOR INCORPORATING THE SECOND PRECINCT, IN THE TOWN OF STOUGHTON, IN THE COUNTY OF SUFFOLK, AS IT NOW IS, INTO A DISTRICT BY THE NAME OF STOUGHTONHAM.

Preamble.

WHEREAS the inhabitants of the second precinct in Stoughton labour under great difficulties by reason of their distance from the place where the town-meetings are held in the said town,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Stoughtonham erected into a district, by certain bounds.

[SECT. 1.] That the second precinct in the town of Stoughton, by the same bounds and limits which the said second precinct now have, be and hereby are incorporated into a separate district by the name of Stoughtonham; and that the inhabitants thereof be vested with all the powers, privileges and immunities which the inhabitants of any town within this province do or by law ought to enjoy, excepting only the privilege of sending a representative to the general assembly; and that the inhabitants of said district shall have liberty, from time to time, to join with the town of Stoughton in the choice of a representative or representatives, which representatives may be chosen indifferently from said town or district, the pay or allowance of such representatives to be borne by the said town and district, according to their respective proportions of the province tax; and that the town of Stoughton, as often as they shall call a meeting for the choice of representatives, shall, from time to time, give seasonable notice to the clerk of the said district of Stoughtonham, for the time being, of the time and place for holding said meeting, to the end that the said district may join therein; and the clerk of said district shall set up, in some publick place in said district, a notification thereof accordingly.

To join with Stoughton in choosing representatives.

Provided, nevertheless,—

And be it further enacted,

Proviso respecting taxes.

[SECT. 2.] That the said district shall pay their proportion of all such province, county and town taxes already granted to be raised in the town of Stoughton, and shall also bear their proportionable

part of supporting the poor of the town of Stoughton that are at this time relieved by said town: *provided*, that the district of Stoughtonham shall not be liable to maintain any persons within the same who have been legally warned out of the town of Stoughton, but, by virtue of said warning, shall have the same privilege of removing such persons as the town of Stoughton could have in case they had remained therein.

Proviso respecting persons who have been warned out of Stoughton.

And be it further enacted,

[Sect. 3.] That the town of Stoughton shall pay to the said district of Stoughtonham, yearly, and every year, their proportionable part of the income of all the money that is appropriated to the use of the school in Stoughton, and also their proportionable part of said Stoughton's part of the yearly profits and incomes of two farms that were appropriated by the town of Dorchester to the use of the school; one of which is now annexed to the town of Dedham, commonly called White's Farm, the other is now annexed to the town of Wrentham, and commonly called Hewes's Farm; all of which incomes and profits the said district of Stoughtonham shall be intitled to, and receive of the town of Stoughton, yearly, and every year, in the same proportion as they now pay their part of the province tax in said town.

To receive of Stoughton the proportion of certain incomes for the school.

And be it further enacted,

[Sect. 4.] That Joseph Hewins, Esq., be and hereby is impowered to issue a warrant, directed to some principal inhabitant in said district, requiring him to warn all the inhabitants in said district, qualified to vote in town affairs, to meet, at such time, and place within said district, as he shall think proper, to chuse all such officers as towns, by law, are intitled to chuse. [*Passed June* 21.

The first meeting, how to be notified.

CHAPTER 7.

AN ACT TO ERECT THE PLANTATION CALLED WEST HOOSUCK, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF WILLIAMSTOWN.

Whereas it has been represented to this court that the erecting the plantation called West Hoosuck, into a town, will greatly contribute to the growth thereof, and remedy many inconveniences to which the inhabitants and proprietors may be otherwise subject,—

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the plantation called West Hoosuck, bounded as follows; viz., north, on the province line; west, and south, on unappropriated lands of this province; and east, part on East Hoosuck, and partly on unappropriated lands belonging to this province,—be and hereby is erected into a town by the name of Williamstown; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of the towns within this province do enjoy.

Williamstown erected into a town, by certain bounds.

And be it further enacted,

[Sect. 2.] That all taxes to be raised within said town for settling a minister, building a meeting-house, clearing and repairing roads, be levied upon the several proprietors of said plantation according to their interest, until the further order of this court; and that said inhabitants proceed by the same rules, in levying and collecting said taxes, as proprietors in new plantations are by law obliged to observe.

Taxes to be levied on proprietors, for certain services, until further orders.

And be it further enacted,

[Sect. 3.] That William Williams, Esq., be and hereby is impow-

The first meet-

ing, how to be notified.

ered to issue a warrant, directed to some principal inhabitant in said town, requiring him to warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required by law to manage the affairs of said town. [*Passed June* 21.

CHAPTER 8.

AN ACT FOR ERECTING A TOWN IN THE COUNTY OF LINCOLN, BY THE NAME OF BRISTOL.

Preamble.

WHEREAS the inhabitants of a tract of land on the eastern side of Damariscotta River, in the county of Lincoln, known by the name of Walpole, Herrington and Pemaquid, so called, have petitioned this court, that, for the reasons mentioned, they may be incorporated into a town, and vested with the powers and privileges belonging to other towns; for the encouragement of said settlement,—

Be it enacted by the Governor, Council and House of Representatives,

Bristol made a town, by certain bounds.

[SECT. 1.] That the said tract of land, described and bounded as follows; viz., beginning at a heap of stones at the head of Brown's Cove, near the great Salt Water Falls in Damariscotta River, on the eastern side of the said river, running, a south-easterly course, to a heap of stones at a place called Bound Pond, five miles and a half; from thence, to run a south-westerly course, to Pemaquid Point, as the shore lies; and, from Pemaquid Point, as the shore lies, up Damariscotta River, to the first-mentioned bounds; and also all the islands lying within six miles from the main-land to the south, between the aforementioned river Damariscotta and Pemaquid Point, — be and hereby are erected into a town by the name of Bristol; and the inhabitants thereof shall have and enjoy all such immunities and privileges as other towns in this province have and do by law enjoy.

And be it further enacted,

First meeting, how to be notified.

[SECT. 2.] That Thomas Rice, Esq., be and hereby is impowered to issue his warrant to some principal inhabitant of the said town of Bristol, requiring him, in his majesty's name, to warn and notify the said inhabitants, qualified to vote in town affairs, to meet together, at such time, and place in said town, as shall be appointed in said warrant, to chuse such officers as the law directs and may be necessary to manage the affairs of said town; and the inhabitants, so met, shall be and hereby are impowered to chuse such officers accordingly. [*Passed June* 21.

CHAPTER 9.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF ONE HUNDRED AND NINETY-SEVEN THOUSAND POUNDS, TO BE APPLIED FOR THE REDEMPTION OF GOVERNMENT SECURITIES THAT WILL BECOME DUE IN JUNE, ONE THOUSAND SEVEN HUNDRED AND SIXTY-SIX.

Be it enacted by the Governor, Council and House of Representatives,

Treasurer empowered to borrow £197,000.

[SECT. 1.] That the treasurer of the province be and he hereby is directed and impowered to borrow, of such person or persons as shall

appear ready to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding one hundred and ninety-seven thousand pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government"; and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the said sum the treasurer shall give his receipt or obligation in the form following:— 1749–50, chap. 19.

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer to repay the said or to his order, the twentieth day of June, A.D. one thousand seven hundred and sixty-seven, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with the interest, annually, at five per cent. Form of the treasurer's notes.

Witness my hand. H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

—and no receipt shall be given for less than six pounds.

[Sect. 2.] And the treasurer, in issuing said receipts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his present majesty's reign, intituled "An Act to supply the treasury with the sum of twenty-five thousand pounds." Treasurer to observe the directions of the act of the second year of his present majesty's reign. 1761–62, chap. 23.

And be it further enacted,

[Sect. 3.] That the said sum of one hundred and ninety-seven thousand pounds, ordered to be borrowed by this act, when received into the treasury, shall be applied by the treasurer for the redemption of government securities that will become due in June, one thousand seven hundred and sixty-six. Money borrowed, to be applied for the redemption of government securities.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act,—

Be it enacted,

[Sect. 4.] That there be and hereby is granted unto his most excellent majesty a tax of one hundred and ninety-seven thousand pounds, to be levied on polls, and estates both real and personal within this province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly at their sessions in May, one thousand seven hundred and sixty-six, and to be paid into the public treasury on or before the thirty-first day of March, one thousand seven hundred and sixty-seven. Tax granted for the sum borrowed, to be paid into the treasury 31st March, 1767.

And be it further enacted,

[Sect. 5.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-six, and some time before the twentieth day of June in said year, shall not agree and conclude upon If the court shall not apportion the tax in May, 1766, the

tax shall then be apportioned as in the tax act preceding.

an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceding.

Province treasurer to issue his warrants accordingly.

[SECT. 6.] And the province treasurer is hereby impowered and directed, some time in the month of June in the same year, one thousand seven hundred and sixty-six, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at or before the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

Fund for the interest.

And as a fund to enable the treasurer to discharge the interest as it shall become due on said receipts or obligations,—

Be it further enacted,

[SECT. 7.] That the treasurer shall apply what monies may be necessary for that purpose out of the surplusage that will be in the treasury by the time that the interest will become due. [*Passed June* 21; *published June* 25.

CHAPTER 10.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SIXTEEN THOUSAND AND EIGHT HUNDRED POUNDS.

Preamble.

WHEREAS no provision is made to defrey the charges of government for the present year; *and whereas* the treasurer has represented to this court, that, when the taxes for the year one thousand seven hundred and sixty-four are paid into the treasury, with the excise upon spirituous liquors, there will be a surplusage in the treasury of at least sixteen thousand and eight hundred pounds,—

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £16,800.

[SECT. 1.] That the treasurer be and he hereby is directed to apply the aforesaid sum of sixteen thousand eight hundred pounds to defrey the charges of government for the ensuing year, to be issued in the manner following; that is to say, the sum of six thousand pounds, part of the aforesaid sum of sixteen thousand and eight hundred pounds, shall be applied for the payment of grants made or to be made by this court; and the further sum of three thousand pounds, part of the aforesaid sum of sixteen thousand and eight hundred pounds, shall be applied for the payment of his majesty's council, and the members of the house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of one thousand pounds, part of the aforesaid sum of sixteen thousand and eight hundred pounds, shall be applied for the purchasing provisions and the commissary's disbursements for the service of the several forts and garrisons within this province; and the further sum of two thousand and five hundred pounds, part of the aforesaid sum of sixteen thousand and eight hundred pounds, shall be applied for the

How appropriated.

discharge of debts owing from this province to persons that have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned them for that purpose, and for paper, writing and printing for this court, and repairs of the province-house, court-house, lighthouse, wood at Castle William, and repairs of fortifications within this province; and the further sum of three thousand pounds, part of the aforesaid sum of sixteen thousand and eight hundred pounds, shall be applied for the payment of the expences of the several forts and garrisons within this province; and the further sum of twelve hundred pounds, part of the aforesaid sum of sixteen thousand and eight hundred pounds, shall be applied for the payment of the bounty upon wheat and flour; and the further sum of one hundred pounds, being the remainder of the aforesaid sum of sixteen thousand and eight hundred pounds, shall be applied to pay such contingent and unforeseen charges as may arise, and for no other purpose whatever.

And be it further enacted,

[Sect. 2.] That the treasurer pay the aforesaid sum of sixteen thousand and eight hundred pounds, out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and account of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts of charge, after payment thereof. [*Passed June* 21; *published June* 25.

Treasurer to pay the money out of the appropriations directed by warrant.

CHAPTER 11.

AN ACT FURTHER TO EXPLAIN, AMEND AND CARRY INTO EXECUTION, AN ACT MADE IN THE FIRST YEAR OF THE REIGN OF HIS PRESENT MAJESTY, INTITLED "AN ACT FOR RAISING A SUM OF MONEY BY LOTTERY, FOR REPAIRING FANEUIL HALL, IN BOSTON."

Whereas, in and by an act made in the first year of his present majesty, intitled "An Act for raising a sum of money by lottery for repairing Faneuil Hall in Boston," it is enacted "that Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis, or any two of them, be allowed and impowered to set up and carry on a lottery or lotteries;" *and wh*[*e*]*reas*, in and by an act made in the second year of the reign of his present majesty, intitled "An Act to explain, amend and carry into execution an act made in the first year [*of*] the reign of his present majesty, intitled 'An Act for repairing Faneuil Hall in Boston,'" it is enacted "That Thomas Cushing, Samuel Hewes, John Scollay and Benjamin Austin, Esqrs., be added to the said Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis; and that they, the said Thomas Cushing, Samuel Hewes, John Scollay and Benjamin Austin, Esqrs., together with the said Samuel Sewall, Samuel Phillips Savage and Ezekiel Lewis, be and they are hereby allowed and impow[*ered**] to carry into execution the said act, in the same manner, and under the same regulations and restrictions, as the said Samuel S[*ewall**], Samuel Phillips Savage and Ezekiel Lewis were, by the said act, allowed and impowered;" *and whereas* since the making and passing the said act, made in the second year of the reign of his present [*majesty, the**] said Samuel Hew[e]s has been taken away by death, and the said John Scollay, Samuel Phillips Savage and Ezekiel L[*ewis have declined**] any further to execute their said trust,—

Preamble. 1760-61, chap 26.

1761-62, chap. 49.

Be it enacted by the Governo[u]*r, Council and House of Representatives*,

New managers appointed of Faneuil-hall lottery.

That, in the room of [*the said**] Samuel Hew[e]s, John Scollay, Samuel Phillips Savage and Ezekiel Lewis, Esqrs., Joseph Jackson, John Ruddock and John Hancock, Esqr[*s., be added**] to the said Samuel Sewall, Thomas Cushing and Benjamin Austin; and that they, the said Joseph Jackson, John Ruddock and John Hancock, Esqrs., together with the said Samuel Sewall, Thomas Cushing and Benjamin Austin, Esqrs., or any three of them, be and they are hereby allowed and impowered to carry into execution the said acts, in the same manner, and under the same regulations and restrictions, as in and by the said acts the said Samuel Sewall, Samuel Phillips Savage, Ezekiel Lewis, Thomas Cushing, Samuel Hew[e]s, John Scollay and Benjamin Austin were allowed and impowered. [*Passed June* 21; *published June* 25.

CHAPTER 12.

AN ACT TO PREVENT DAMAGE BEING DONE IN THE WOODS IN PLYMOUTH, SANDWICH, BARNSTABLE, FALMOUTH AND WAREHAM, BY HUNTING WITH HOUNDS AND DOGS.

Preamble.

WHEREAS great damage has been done by hunting in the woods between Plymouth, Sandwich, Barnstable, Falmouth and Wareham, by hunting with hounds and dogs in said woods, in each of the said towns, and large numbers of sheep have been destroyed by said practice,—

Be it therefore enacted by the Governor, Council and House of Representatives,

No person to hunt with dogs between the 10th May and 5th Dec., annually.

[SECT. 1.] That from and after the tenth day of May, annually, to the fifth day of December, no person shall be allowed to hunt with dogs or hounds in either of the towns of Plymouth, Sandwich, Barnstable, Falmouth or Wareham, on any pretence whatever.

And be it further enacted,

Penalty:

[SECT. 2.] That if any person or persons shall be convicted of hunting with dogs or hounds in any of said towns, between the said tenth day of May and the fifth day of December, during the continuance of this act, he shall forfeit and pay the sum of twenty shillings for

—how to be applied, and how to be sued for.

each offence, one half to the informer, and the other half to the poor of the town where the offence shall be committed; and said offenders may be complained of and prosecuted before any of his majesty's justices of the peace within the county of Plymouth or Barnstable, or in any other county within this province.

Be it further enacted,

Inhabitants of the towns mentioned, not to hunt in other towns.

[SECT. 3.] That none of the inhabitants of the towns of Plymouth, Sandwich, Barnstable, Falmouth or Wareham shall be allowed to hunt with hounds or dogs in any other towns within this government, from the said tenth day of May to the fifth day of December, during the continuance of this act, under the penalties before mentioned in this act; and any persons belonging to said towns that shall hunt in the other towns contrary to the true intent of this act, shall and may be prosecuted in the like manner as is before provided; that is, before any justice of the peace in the county where the offence is committed, or in any other county within this province.

Limitation.

[SECT. 4.] This act to continue and be in force for the space of three years from the first day of August next, and no longer. [*Passed June* 21; *published June* 25.

* Parchment mutilated.

CHAPTER 13.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED HUNTSTOWN, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF ASHFIELD.

Preamble.

Whereas it [has][*hath*] been represented to this court that the erecting the plantation calle[*d Huntstown**], into a town, will greatly contribute to the growth thereof, and remedy many inconvenien[*ces to which**] the inhabitants and proprietors may be otherwise subjected,—

Be it enacted by the Governor, Council and House of Representatives,

Ashfield made a town, by certain bounds.

[Sect. 1.] That the pla[*ntation**] aforesaid, bounded as follows; viz[t]., east, by Deerfield; south, partly by Narraganset Township Number [*Four, and**] partly by province land; west, partly by province land, [*and*] partly by Bernard's and Mayhew's and Hat[*field land**]; and north, by province land; more particularly described in a plan of said township, confirmed [*in the**] present session of the general court, —be and hereby is erected into a town by the name of Ash[*field**]; and that the inhabitants thereof shall be invested with all the powers, privile[d]ges and immunitie[*s which**] the inhabitants of the towns within this province do enjoy.

And be it further enacted,

The first meeting, how to be notified.

[Sect. 2.] That Thomas Williams, Esq[r]., be and hereby is [e][*i*]mpowered to i[*ssue**] his warrant, directed to some principal inhabitant in said town, to notify and warn the inhabitan[*ts**] in said town, qualified by law to vote in town affairs, to meet at such time and place as shall therein be set forth, to chuse all such officers as are or shall be required by law to manage the affairs of said to[*wn**].

And be it further enacted,

Taxes to be levied on proprietors, for certain services, until further orders.

[Sect. 3.] That all taxes already raised for settling a minister, or that may be raised for his support, for building a meeting-house, clearing and repairing roads, be levied on the several proprietors of said plantation, according to their interests, until the further order of this court; and that said inhabitants and proprietors of said town proceed by the same rules, in levying and collecting said taxes, as proprietors in new plantations are obliged, by law, to observe. [*Passed June* 21.

CHAPTER 14.

AN ACT FOR ERECTING THE PLANTATION CALLED NEW FRAMINGHAM, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF LANESBOROUGH.

Preamble.

Whereas it has been represented to this court that the erecting the plantation called New Framingham, into a town, will greatly contribute to the growth thereof, and remedy many inconveniences to which the inhabitants and proprietors may be otherwise subject,—

Be it enacted by the Governor, Council and House of Representatives,

Lanesborough erected into a town, by certain bounds.

[Sect. 1.] That the plantation of New Framingham, in the county of Berkshire, bounded as follows; viz., south, on Pittsfield; east, on Number Four, or Williamsburgh; north, partly on unappropriated lands of this province, and partly upon grants; and, west, on unappropriated

* Parchment mutilated.

lands of this province,—be and hereby is erected into a town by the name of Lanesborough, and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of the towns within this province do enjoy.

And be it further enacted,

Taxes to be levied on proprietors, for certain services, until further orders.

[SECT. 2.] That all taxes to be raised within said town for settling a minister, building a meeting-house, clearing and repairing roads, be levied upon the several proprietors of said plantation, according to their interest, until the further order of this court; and that said inhabitants proceed by the same rules, in levying and collecting said taxes, as proprietors in new plantations are, by law, obliged to observe.

And be it further enacted,

The first meeting, how to be notified.

[SECT. 3.] That William Williams, Esq., be and hereby is impowered to issue a warrant, directed to some principal inhabitant in said town, requiring him to warn the inhabitants of the said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required by law to manage the affairs of said town. [*Passed June* 21.

CHAPTER 15.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED CHARLEMONT, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF CHARLEMONT.

Preamble.

WHEREAS it has been represented to this court that the erecting the plantation called Charlemont, into a town, will greatly contribute to the growth thereof, and remedy many inconveniences to which the inhabitants and proprietors may be otherwise subjected,—

Be it enacted by the Governor, Council and House of Representatives,

Charlemont erected into a town, by certain bounds.

[SECT. 1.] That the plantation called Charlemont, bounded as follows; viz[t]., north, partly on land belonging to Green and Walker and Boylston, and partly on land sold to Cornelius Jones; east, partly on Colrain, and partly on province land; south and west, on province land: more particularly described in the plan of the said township confirmed by the general court,—be and hereby is erected into a town by the name of Charlemont; and that the inhabitants thereof shall be invested with all the powers, privile[d]ges and immunities which the inhabitants of the towns within this province do enjoy.

And be it further enacted,

The first meeting, how to be notified.

[SECT. 2.] That Thomas Williams, Esq[r]., be and hereby is impowered to issue a warrant, directed to some principal inhabitant in said town, to notify and warn the inhabitants in said town, qualified by law to vote in town affairs, to meet at such time and place as shall therein be set forth, to chuse all such officers as are or shall be required by law to manage the affairs of said town.

And be it further enacted,

Taxes to be levied on proprietors, for certain services, until further orders.

[SECT. 3.] That all taxes that are or may be raised for settling a minister, for building a meeting-house, clearing and repairing roads, be levied [*up*]on the several proprietors of said plantation, according to their interest[s], until the further order of this court; and that said inhabitants and proprietors of said town proceed by the same rules, in levying and collecting said taxes, as proprietors in new plantations are obliged, by law, to observe. [*Passed June* 21.

CHAPTER 16.

AN ACT FOR INCORPORATING INTO A TOWN THE LANDS, IN THE COUNTY OF BERKSHIRE, CALLED YOKUN AND MOUNT EPHRAIM, BY THE NAME OF RICHMONT.

Preamble.

Whereas it hath been represented to this court that the erecting the plantation called Yokun Town and Mount Ephraim into a township, will greatly contribute to the growth thereof, and remedy many inconvenienc[*i*]es to which the inhabitants and proprietors may otherwise be subjected,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Richmont incorporated a town, by certain bounds.

[Sect. 1.] That the new plantation called Yokun Town and Mount Ephraim, lying in the county of Berkshire, bounded as follows: westerly, on the province line; northerly, in part on Pittsfield, and in part on province land, so called; easterly, on Housatunnock River; and southerly, in part on Stockbridge north line, and part on the minister's grant,—be and hereby is incorporated into a town by the name of Richmont, with all the powers, privile[d]ges and immunities that towns in this government have and do enjoy.

And be it further enacted,

Taxes to be levied on proprietors, for certain services, until further orders. 1763-64, chap. 24.

[Sect. 2.] That all taxes to be raised within said town for settling a minister, building a meeting-house or meeting-houses, laying out, making and repairing roads, be levied upon the several proprietors of said plantation, according to their interest, agreeable to an act of the province made to enable the proprietors of said plantation to raise taxes on said lands, until the further order of this court.

And be it further enacted,

The first meeting, how to be notified.

[Sect. 3.] That Timothy Woodbridge, Esq[r]., be and hereby is impowered to issue a warrant to some principal inhabitant of said plantation, requiring him to call a meeting of said inhabitants, in order to chuse such officers as, by law, towns are impowered to chuse in the month of March, annually. [*Passed June* 21.

CHAPTER 17.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED NUMBER FOUR, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF BECKET.

Preamble.

Whereas it has been represented to this court that the erecting the plantation called Number Four, into a town, will greatly contribute to the growth thereof, and remedy many inconveniences to which the inhabitants and proprietors may be otherwise subject,—

Be it enacted by the Governor, Council and House of Representatives,

Becket erected into a town, by certain bounds.

[Sect. 1.] That the plantation called Number Four, bounded as follows; viz[t]., south, partly on equivalent lands, and partly on the land belonging to Andrew Belcher, Esq[r]., and partly on unappropriated lands; east, on a township called Number Nine; north, on a township called Hartwood; and west, partly on Tyringham, and partly on unappropriated lands belonging to this province,—be and hereby is erected into a town by the name of Becket; and that the inhabitants thereof be and hereby are invested with all the powers, privile[d]ges and immunities which the inhabitants of the towns within this province do enjoy.

And be it further enacted,

The first meeting, how to be notified.

[SECT. 2.] That William Williams, Esq[r]., be and hereby is impowered to issue a warrant, directed to some principal inhabitant in said town, to notify and warn the inhabitants in said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required by law to manage the affairs of said town.

And be it further enacted,

Taxes to be levied on proprietors, for certain services, until further orders.

[SECT. 3.] That all the taxes that have been heretofore agreed upon by the proprietors of said township, and all taxes to be raised within said town for settling a minister, building a meeting-house, clearing and repa[*i*]ring roads, be levied upon the several proprietors of said plantation, according to their interest, until the further order of this court; and that said inhabitants proceed by the same rules, in levying and collecting said taxes, as proprietors in new plantations are by law obliged to observe, anything in the before-recited act to the contrary notwithstanding. [*Passed June* 21.

CHAPTER 18.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FIFTY THOUSAND POUNDS; AND ALSO FOR APPORTIONING AND ASSESSING A TAX OF TWO THOUSAND FOUR HUNDRED AND TWELVE POUNDS NINETEEN SHILLINGS AND SIXPENCE, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR; ALSO FOR APPORTIONING AND ASSESSING A TAX OF ONE HUNDRED AND FIFTY-EIGHT POUNDS THREE SHILLINGS, FOR FINES LAID UPON TOWNS THAT HAVE NOT SENT ANY PERSONS TO REPRESENT THEM IN THE GENERAL COURT THE PRESENT YEAR; AND ALSO FOR ASSESSING THE TOWN OF HANOVER THE SUM OF SIXTEEN POUNDS, PAID OUT OF THE PROVINCE TREASURY TO SYLVANUS WING; AND ALSO FOR ASSESSING THE SUM OF TEN POUNDS THREE SHILLINGS AND FIVEPENCE ON THE TOWN OF SPRINGFIELD; AND THE SUM OF TWO POUNDS ONE SHILLING AND EIGHTPENCE ON WILBRAHAM; AND THE SUM OF TWELVE POUNDS FIVE SHILLINGS AND ONE PENNY ON NORTHAMPTON; AND THE SUM OF TWELVE POUNDS AND ELEVENPENCE ON WESTFIELD; AND THE SUM OF TWELVE POUNDS FIVE SHILLINGS AND ONE PENNY ON HATFIELD; AND THE SUM OF EIGHT POUNDS THREE SHILLINGS AND TWOPENCE ON BRIMFIELD; AND THE SUM OF THREE POUNDS SEVENTEEN SHILLINGS AND NINEPENCE ON SOUTH BRIMFIELD; AND THE SUM OF TWELVE POUNDS AND ELEVENPENCE ON DEERFIELD; AND THE SUM OF SIX POUNDS AND SEVENPENCE ON GREENFIELD; AND THE SUM OF TWO POUNDS NINETEEN SHILLINGS AND SIXPENCE ON MONSON,—MAKING THE SUM OF EIGHTY-ONE POUNDS EIGHTEEN SHILLINGS AND ONE PENNY, BEING THE TAX REMITTED TO BERNARDSTON FOR TWO YEARS LAST PAST, AND THE TAX REMITTED TO HUNTSTOWN FOR THREE YEARS LAST PAST, AND ORDERED TO BE ADDED TO THE PRESENT YEAR'S TAX OF THE SEVERAL TOWNS AFORESAID, AND IN THE MANNER AFORESAID; WHICH TAXES ARE TO BE OVER AND ABOVE THEIR PROPORTION OF WHAT WAS LAID ON THE SAID TOWNS: WHICH SUMS AMOUNT TO FIFTY-TWO THOUSAND SIX HUNDRED AND SIXTY-NINE POUNDS AND SEVENPENCE.

1762–63, chap. 16, § 4.

WHEREAS the great and general court or assembly of this province, by an act made and passed at their session in January, one thousand seven hundred and sixty-three, agreed upon and ordered a tax of fifty-

four thousand pounds; and one other act made and passed at the same sessions, agreed upon and ordered a further tax of forty-five thousand six hundred and seven pounds; and by another act, made and passed at their session in May, one thousand seven hundred and sixty-four, agreed upon and ordered a further tax of one hundred and fifty thousand pounds: amounting in the whole to two hundred and forty-nine thousand six hundred and seven pounds; *and whereas* by the acts aforesaid provision is respectively made that the general court, at their present session, might apportion the same on the several towns, districts, parishes and places within this province, if they should think fit; yet inasmuch as such a heavy tax will be extremely burthensome to the inhabitants of this province, under their present distressed circumstances, and as some of the possessors of government securities, for the redemption of which the aforesaid sum of two hundred and forty-nine thousand six hundred and seven pounds is applied, are willing to continue their money upon loan, payable at a further period; which, with the tax of fifty thousand pounds now agreed to be assessed and levied this year, will be sufficient to redeem the government securities, with the interest thereon, that will become due in June next; wherefore, for the ordering, directing and effectually drawing in the said sum of fifty-two thousand six hundred and sixty-seven pounds four shillings and sevenpence, we, his majesty's most loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

1762–63, chap. 30, § 4.

1764–65, chap. 11, § 6.

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That each town, district, parish or other place within this province be assessed and pay, as such town, district, parish and place's proportion of the sum of fifty-two thousand six hundred and sixty-seven pounds four shillings and sevenpence, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	FINES.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Boston	£0 0s. 0d.	£83 15s. 0d.	£5,646 9s. 2d.	Five thousand seven hundred and thirty pounds four shillings and twopence	£5,730 4s. 2d.
Roxbury	0 0 0	21 10 0	613 6 8	Six hundred and thirty-five pounds one shilling and eightpence	635 1 8
Dorchester	0 0 0	21 12 0	379 11 8	Four hundred and one pounds three shillings and eightpence	401 3 8
Milton	0 0 0	3 15 0	252 1 8	Two hundred and fifty-five pounds sixteen shillings and eightpence,	255 16 8
Braintree	0 0 0	25 5 0	488 10 10	Five hundred and thirteen pounds fifteen shillings and tenpence	513 15 10
Weymouth	0 0 0	24 7 6	246 0 10	Two hundred and seventy pounds eight shillings and fourpence	270 8 4
Hingham	0 0 0	25 15 0	499 3 4	Five hundred and twenty-four pounds eighteen shillings and fourpence	524 18 4
Dedham	0 0 0	25 2 6	430 0 0	Four hundred and fifty-five pounds two shillings and sixpence	455 2 6
Medfield	0 0 0	23 2 6	196 9 2	Two hundred and nineteen pounds eleven shillings and eightpence,	219 11 8
Wrentham	0 0 0	23 2 6	378 15 0	Four hundred and one pounds seventeen shillings and sixpence	401 17 6
Brookline	0 0 0	0 0 0	169 4 $4\frac{3}{4}$	One hundred and sixty-nine pounds four shillings and fourpence three farthings	169 4 $4\frac{3}{4}$
Needham	0 0 0	0 0 0	169 10 6	One hundred and sixty-nine pounds ten shillings and sixpence	169 10 6
Stoughton	0 0 0	25 12 6	337 5 $10\frac{3}{4}$	Three hundred and sixty-two pounds eighteen shillings and fourpence three farthings	362 18 $4\frac{3}{4}$
Medway	0 0 0	0 0 0	138 10 10	One hundred and thirty-eight pounds ten shillings and tenpence	138 10 10
Bellingham	0 0 0	0 0 0	83 19 2	Eighty-three pounds nineteen shillings and twopence	83 19 2
Hull	0 0 0	0 0 0	48 6 8	Forty-eight pounds six shillings and eightpence	48 6 8
Walpole	8 0 0	0 0 0	147 10 0	One hundred and fifty-five pounds ten shillings	155 10 0
Chelsea	0 0 0	21 10 0	133 19 2	One hundred and fifty-five pounds nine shillings and twopence	155 9 2
	£8 0s. 0d.	£324 9s. 6d.	£10,358 14s. $11\frac{1}{2}$d.	Ten thousand six hundred and ninety-one pounds four shillings and fivepence halfpenny	£10,691 4s. $5\frac{1}{2}$d.

IN THE COUNTY OF ESSEX.

Salem	£0 0s. 0d.	£26 10s. 0d.	£934 15s. 10d.	Nine hundred sixty-one pounds five shillings and tenpence	£961 5s. 10d.
Danvers	0 0 0	23 7 6	413 10 10	Four hundred thirty-six pounds eighteen shillings and fourpence	436 18 4
Ipswich	0 0 0	22 5 0	925 16 8	Nine hundred forty-eight pounds one shilling and eightpence	948 1 8
Newbury	0 0 0	25 2 6	710 17 $8\frac{1}{4}$	Seven hundred thirty-six pounds and twopence farthing	736 0 $2\frac{1}{4}$
Newburyport	0 0 0	17 2 6	568 5 $7\frac{3}{4}$	Five hundred eighty-five pounds eight shillings and one penny three farthings	585 8 $1\frac{3}{4}$

Marblehead	0	0	0	17	17	6	821	13	4	Eight hundred thirty-nine pounds ten shillings and tenpence	839	10 10
Lynn	0	0	0	24	17	6	397	18	4	Four hundred twenty-two pounds fifteen shillings and tenpence	422	15 10
Andover	0	0	0	22	7	6	629	7	6	Six hundred fifty-one pounds fifteen shillings	651	15 0
Beverly	0	0	0	25	17	6	391	13	4	Four hundred and seventeen pounds ten shillings and tenpence	417	10 10
Rowley	0	0	0	26	10	0	387	5	10	Four hundred and thirteen pounds fifteen shillings and tenpence	413	15 10
Salisbury	0	0	0	26	7	6	300	4	2	Three hundred and twenty-six pounds eleven shillings and eightpence	326	11 8
Haverhill	0	0	0	26	15	0	480	16	8	Five hundred and seven pounds eleven shillings and eightpence	507	11 8
Glocester	0	0	0	15	0	0	602	14	2	Six hundred and seventeen pounds fourteen shillings and twopence,	617	14 2
Topsfield	0	0	0	25	2	6	169	7	6	One hundred and ninety-four pounds ten shillings	194	10 0
Boxford	0	0	0	25	0	0	203	6	8	Two hundred twenty-eight pounds six shillings and eightpence	228	6 8
Almsbury	0	0	0	23	0	0	306	5	0	Three hundred twenty-nine pounds five shillings	329	5 0
Bradford	0	0	0	23	10	0	226	0	10	Two hundred forty-nine pounds ten shillings and tenpence	249	10 10
Wenham	6	15	0	0	0	0	124	15	10	One hundred thirty-one pounds ten shillings and tenpence	131	10 10
Middleton	7	17	0	0	0	0	145	0	0	One hundred fifty-two pounds seventeen shillings	152	17 0
Manchester	5	15	0	0	0	0	106	0	10	One hundred and eleven pounds fifteen shillings and tenpence	111	15 10
Methuen	8	14	0	0	0	0	163	10	10	One hundred seventy-two pounds four shillings and tenpence	172	4 10
	£29	1*s.*	0*d.*	£396	12*s.*	6*d.*	£9,009	7*s.*	6*d.*	Nine thousand four hundred and thirty-five pounds one shilling	£9,435	1*s.* 0*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge	£0	0*s.*	0*d.*	£36	17*s.*	6*d.*	£452	1*s.*	8*d.*	Four hundred eighty-eight pounds nineteen shillings and twopence,	£488	19*s.* 2*d.*
Charlestown	0	0	0	21	10	0	442	14	2	Four hundred sixty-four pounds four shillings and twopence	464	4 2
Watertown	0	0	0	24	12	6	181	17	6	Two hundred and six pounds ten shillings	206	10 0
Woburn	0	0	0	19	2	6	326	5	0	Three hundred forty-five pounds seven shillings and sixpence	345	7 6
Concord	0	0	0	24	5	0	299	15	10	Three hundred twenty-four pounds and tenpence	324	0 10
Newton	0	0	0	23	17	6	309	3	4	Three hundred thirty-three pounds and tenpence	333	0 10
Reading	0	0	0	24	15	0	327	18	4	Three hundred fifty-two pounds thirteen shillings and fourpence	352	13 4
Marlborough	0	0	0	24	2	6	367	18	4	Three hundred ninety-two pounds and tenpence	392	0 10
Billerica	0	0	0	24	5	0	245	0	0	Two hundred and sixty-nine pounds five shillings	269	5 0
Framingham	0	0	0	25	12	6	281	17	6	Three hundred and seven pounds ten shillings	307	10 0
Lexington	0	0	0	23	15	0	204	7	6	Two hundred and twenty-eight pounds two shillings and sixpence	228	2 6
Chelmsford	0	0	0	25	10	0	211	5	0	Two hundred thirty-six pounds fifteen shillings	236	15 0
Sherburne	7	3	0	4	15	0	132	10	0	One hundred forty-four pounds eight shillings	144	8 0
Sudbury	0	0	0	24	5	0	370	12	6	Three hundred ninety-four pounds seventeen shillings and sixpence,	394	17 6
Malden	0	0	0	21	10	0	178	15	0	Two hundred pounds five shillings	200	5 0
Weston	0	0	0	25	0	0	182	10	0	Two hundred and seven pounds ten shillings	207	10 0

IN THE COUNTY OF MIDDLESEX—*Continued.*

	FINES.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Medford	£0 0*s.* 0*d.*	£21 7*s.* 6*d.*	£211 17*s.* 6*d.*	Two hundred and thirty-three pounds five shillings	£233 5*s.* 0*d.*
Littleton	8 14 0	0 0 0	160 8 4	One hundred sixty-nine pounds two shillings and fourpence	169 2 4
Hopkinston	0 0 0	0 0 0	164 3 4	One hundred sixty-four pounds three shillings and fourpence	164 3 4
Westford	0 0 0	22 15 0	192 5 10	Two hundred and fifteen pounds and tenpence	215 0 10
Shirley	0 0 0	3 5 6	60 13 6	Sixty-three pounds nineteen shillings	63 19 0
Waltham	0 0 0	24 5 0	169 7 6	One hundred ninety-three pounds twelve shillings and sixpence	193 12 6
Townshend	0 0 0	27 0 0	80 8 4	One hundred and seven pounds eight shillings and fourpence	107 8 4
Stow	0 0 0	0 0 0	141 16 6	One hundred and forty-one pounds sixteen shillings and sixpence	141 16 6
Stoneham	0 0 0	0 0 0	74 3 4	Seventy-four pounds three shillings and fourpence	74 3 4
Groton	0 0 0	13 12 0	247 1 8	Two hundred and sixty pounds thirteen shillings and eightpence	260 13 8
Wilmington	7 0 0	0 0 0	128 6 8	One hundred and thirty-five pounds six shillings and eightpence	135 6 8
Natick	0 0 0	0 0 0	72 11 2	Seventy-two pounds eleven shillings and twopence	72 11 2
Dracut	0 0 0	0 0 0	109 7 6	One hundred and nine pounds seven shillings and sixpence	109 7 6
Bedford	0 0 0	0 0 0	96 5 0	Ninety-six pounds five shillings	96 5 0
Holliston	0 0 0	0 0 0	124 3 4	One hundred and twenty-four pounds three shillings and fourpence,	124 3 4
Tewksbury	0 0 0	0 0 0	137 1 8	One hundred and thirty-seven pounds one shilling and eightpence	137 1 8
Acton	6 5 0	0 0 0	115 8 4	One hundred and twenty-one pounds thirteen shillings and fourpence	121 13 4
Dunstable	0 0 0	0 0 0	116 5 0	One hundred and sixteen pounds five shillings	116 5 0
Pepperrell	0 0 0	5 17 6	91 13 4	Ninety-seven pounds ten shillings and tenpence	97 10 10
Lincoln	0 0 0	20 5 0	125 0 0	One hundred and forty-five pounds five shillings	145 5 0
	£29 2*s.* 0*d.*	£512 2*s.* 6*d.*	£7,132 19*s.* 6*d.*	Seven thousand six hundred and seventy-four pounds four shillings,	£7,674 4*s.* 0*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield	£0 0*s.* 0*d.*	£14 0*s.* 0*d.*	£559 5*s.* 8*d.*	Five hundred and seventy-three pounds five shillings and eightpence,	£573 5*s.* 8*d.*
Northampton	0 0 0	6 5 0	296 13 2¼	Three hundred and two pounds eighteen shillings and twopence farthing	302 18 2¼
Southampton	0 0 0	5 0 0	66 13 4	Seventy-one pounds thirteen shillings and fourpence	71 13 4
Hadley	0 0 0	10 15 0	129 7 6	One hundred and forty pounds two shillings and sixpence	140 2 6
South Hadley	0 0 0	11 18 0	136 0 10	One hundred and forty-seven pounds eighteen shillings and tenpence	147 18 10

Amherst	0	0	0	6	2	0	92	7	11	Ninety-eight pounds nine shillings and elevenpence	98	9	11
Hatfield	0	0	0	13	10	0	201	10	11	Two hundred and fifteen pounds and elevenpence	215	0	11
Westfield	0	0	0	17	15	0	232	14	0½	Two hundred and fifty pounds nine shillings and a halfpenny	250	9	0½
Deerfield	0	0	0	4	15	0	142	17	6¼	One hundred and forty-seven pounds twelve shillings and sixpence farthing	147	12	6¼
Greenfield	0	0	0	2	0	0	54	12	4¼	Fifty-six pounds twelve shillings and fourpence farthing	56	12	4¼
Sunderland	4	4	0	10	7	2	78	0	5	Ninety-two pounds eleven shillings and sevenpence	92	11	7
Montague	3	4	0	7	17	10	58	19	2	Seventy pounds one shilling	70	1	0
Northfield	0	0	0	0	0	0	79	7	6	Seventy-nine pounds seven shillings and sixpence	79	7	6
Brimfield	0	0	0	10	16	6	134	3	2	One hundred and forty-four pounds nineteen shillings and eightpence	144	19	8
South Brimfield	0	0	0	6	13	9	81	0	10	Eighty-seven pounds fourteen shillings and sevenpence	87	14	7
Monson	0	0	0	6	14	9	50	7	10¾	Fifty-seven pounds two shillings and sevenpence three farthings	57	2	7¾
Pelham	0	0	0	0	0	0	93	15	0	Ninety-three pounds fifteen shillings	93	15	0
Greenwich	0	0	0	0	0	0	72	18	4	Seventy-two pounds eighteen shillings and fourpence	72	18	4
Blanford	0	0	0	0	0	0	61	9	2	Sixty-one pounds nine shillings and twopence	61	9	2
Palmer	0	0	0	0	0	0	93	19	2	Ninety-three pounds nineteen shillings and twopence	93	19	2
Granville	0	0	0	0	0	0	110	16	8	One hundred and ten pounds sixteen shillings and eightpence	110	16	8
New Salem	0	0	0	0	0	0	65	12	6	Sixty-five pounds twelve shillings and sixpence	65	12	6
Belcherstown	0	0	0	0	0	0	56	9	2	Fifty-six pounds nine shillings and twopence	56	9	2
Colrain	0	0	0	0	0	0	39	7	6	Thirty-nine pounds seven shillings and sixpence	39	7	6
Ware	0	0	0	0	0	0	24	11	8	Twenty-four pounds eleven shillings and eightpence	24	11	8
Enfield	0	0	0	0	0	0	214	11	8½	Two hundred and fourteen pounds eleven shillings and eightpence halfpenny	214	11	8½
Somers	0	0	0	0	0	0	168	0	0	One hundred and sixty-eight pounds	168	0	0
Roxbury-Canada	0	0	0	0	0	0	0	0	0	– – – – –	0	0	0
Bernardston	0	0	0	0	0	0	12	17	6	Twelve pounds seventeen shillings and sixpence	12	17	6
Huntstown	0	0	0	0	0	0	9	0	0	Nine pounds	9	0	0
Charlemont	0	0	0	0	0	0	5	0	0	Five pounds	5	0	0
Shutesbury	0	0	0	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
Chesterfield	0	0	0	0	0	0	5	0	0	Five pounds	5	0	0
Suffield	0	0	0	0	0	0	351	0	5	Three hundred fifty-one pounds and fivepence	351	0	5
Wilbraham	0	0	0	6	0	0	84	9	2½	Ninety pounds nine shillings and twopence halfpenny	90	9	2½
	£7	8*s.*	0*d.*	£140	10*s.*	0*d.*	£3,899	17*s.*	9*d.*	Four thousand and forty-seven pounds fifteen shillings and ninepence	£4,047	15*s.*	9*d.*

IN THE COUNTY OF BERKSHIRE.

	FINES.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Sheffield	£0 0s. 0d.	£2 10s. 0d.	£165 6s. 3d.	One hundred sixty-seven pounds sixteen shillings and threepence	£167 16s. 3d.
Great Barrington	0 0 0	2 0 0	95 6 3	Ninety-seven pounds six shillings and threepence	97 6 3
Egremont	0 0 0	1 0 0	60 12 6	Sixty-one pounds twelve shillings and sixpence	61 12 6
Stockbridge	0 0 0	0 0 0	36 2 11	Thirty-six pounds two shillings and elevenpence	36 2 11
Pittsfield	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence	36 17 6
New Marlborough	0 0 0	0 0 0	56 7 1	Fifty-six pounds seven shillings and one penny	56 7 1
Yokum & Mount Ephraim	0 0 0	0 0 0	6 17 6	Six pounds seventeen shillings and sixpence	6 17 6
Tyringham	0 0 0	16 15 0	39 7 6	Fifty-six pounds two shillings and sixpence	56 2 6
New Framingham	0 0 0	0 0 0	10 0 0	Ten pounds	10 0 0
Sandisfield	0 0 0	0 0 0	39 7 6	Thirty-nine pounds seven shillings and sixpence	39 7 6
West Hoosuck	0 0 0	0 0 0	10 0 0	Ten pounds	10 0 0
Number Four	0 0 0	0 0 0	10 0 0	Ten pounds	10 0 0
	£0 0s. 0d.	£22 5s. 0d.	£566 5s. 0d.	Five hundred eighty-eight pounds ten shillings	£588 10s. 0d.

IN THE COUNTY OF WORCESTER.

Worcester	£0 0s. 0d.	£15 15s. 0d.	£304 6s. 5½d.	Three hundred and twenty pounds one shilling and fivepence halfpenny	£320 1s. 5½d.
Lancaster	0 0 0	25 0 0	363 9 9½	Three hundred eighty-eight pounds nine shillings and ninepence halfpenny	388 9 9½
Mendon	0 0 0	26 10 0	292 1 8	Three hundred and eighteen pounds eleven shillings and eightpence,	318 11 8
Woodstock	0 0 0	0 0 0	409 1 6	Four hundred and nine pounds one shilling and sixpence	409 1 6
Brookfield	0 0 0	26 5 0	265 10 5	Two hundred and ninety-one pounds fifteen shillings and fivepence,	291 15 5
Oxford	0 0 0	17 2 6	160 15 7½	One hundred seventy-seven pounds eighteen shillings and one penny halfpenny	177 18 1½
Charlton	0 0 0	6 0 0	52 10 0	Fifty-eight pounds ten shillings	58 10 0
Sutton	0 0 0	25 7 6	306 14 4½	Three hundred and thirty-two pounds one shilling and tenpence halfpenny	332 1 10½
Rutland	0 0 0	10 0 0	177 1 4½	One hundred eighty-seven pounds one shilling and fourpence halfpenny	187 1 4½
Oakham	0 0 0	2 0 0	29 10 2	Thirty-one pounds ten shillings and twopence	31 10 2

New Braintree	0	0	0	0	0	0	82	0	7½	Eighty-two pounds and sevenpence halfpenny	82	0	7½
District of Rutland,	0	0	0	3	15	0	98	13	11½	One hundred and two pounds eight shillings and elevenpence halfpenny	102	8	11½
Leicester	0	0	0	14	5	6	149	9	0	One hundred and sixty-three pounds fourteen shillings and sixpence,	163	14	6
District of Spencer,	0	0	0	8	19	6	89	2	3½	Ninety-eight pounds one shilling and ninepence halfpenny	98	1	9½
District of Paxton	0	0	0	6	2	6	74	18	2½	Eighty-one pounds and eightpence halfpenny	81	0	8½
Southborough	0	0	0	25	15	0	141	0	10	One hundred and sixty-six pounds fifteen shillings and tenpence	166	15	10
Westborough	0	0	0	25	17	6	223	8	8¾	Two hundred forty-nine pounds six shillings and twopence three farthings	249	6	2¾
Shrewsbury	0	0	0	18	12	6	256	4	3¾	Two hundred seventy-four pounds sixteen shillings and ninepence three farthings	274	16	9¾
Lunenburg	0	0	0	0	0	0	158	18	0	One hundred fifty-eight pounds eighteen shillings	158	18	0
Uxbridge	10	0	0	0	0	0	185	14	7	One hundred ninety-five pounds fourteen shillings and sevenpence,	195	14	7
Harvard	0	0	0	4	5	0	167	10	0	One hundred seventy-one pounds fifteen shillings	171	15	0
Dudley	5	12	0	0	0	0	104	15	10	One hundred and ten pounds seven shillings and tenpence	110	7	10
Bolton	0	0	0	18	2	6	159	9	7	One hundred and seventy-seven pounds twelve shillings and a penny,	177	12	1
Upton	0	0	0	0	0	0	70	6	3	Seventy pounds six shillings and threepence	70	6	3
Sturbridge	0	0	0	12	15	0	117	3	9	One hundred twenty-nine pounds eighteen shillings and ninepence	129	18	9
Leominster	5	14	0	0	0	0	105	0	0	One hundred and ten pounds fourteen shillings	110	14	0
Hardwick	0	0	0	9	15	0	132	10	0	One hundred forty-two pounds five shillings	142	5	0
Holden	0	0	0	0	0	0	75	0	0	Seventy-five pounds	75	0	0
Western	0	0	0	0	0	0	100	0	0	One hundred pounds	100	0	0
Douglass	0	0	0	0	0	0	49	4	4½	Forty-nine pounds four shillings and fourpence halfpenny	49	4	4½
Grafton	7	5	0	0	0	0	134	11	8	One hundred and forty-one pounds sixteen shillings and eightpence,	141	16	8
Petersham	5	18	0	0	0	0	109	9	7	One hundred and fifteen pounds seven shillings and sevenpence	115	7	7
Westminster	0	0	0	0	0	0	75	19	9½	Seventy-five pounds nineteen shillings and ninepence halfpenny	75	19	9½
Athol	0	0	0	0	0	0	39	7	6	Thirty-nine pounds seven shillings and sixpence	39	7	6
Templeton	0	0	0	0	0	0	24	11	8	Twenty-four pounds eleven shillings and eightpence	24	11	8
Princetown	0	0	0	0	0	0	36	17	6	Thirty-six pounds seventeen shillings and sixpence	36	17	6
Ashburnham	0	0	0	0	0	0	29	11	8	Twenty-nine pounds eleven shillings and eightpence	29	11	8
Winchendon	0	0	0	0	0	0	24	11	8	Twenty-four pounds eleven shillings and eightpence	24	11	8
Fitchburg	0	0	0	0	0	0	37	2	10	Thirty-seven pounds two shillings and tenpence	37	2	10
	£34	9*s.*	0*d.*	£302	5*s.*	0*d.*	£5,413	15*s.*	7*d.*	Five thousand seven hundred and fifty pounds nine shillings and sevenpence	£5,750	9*s.*	7*d.*

IN THE COUNTY OF PLYMOUTH.

	FINES.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Plymouth	£0 0s. 0d.	£22 5s. 0d.	£322 14s. 2d.	Three hundred forty-four pounds nineteen shillings and twopence	£344 19s. 2d.
Scituate	0 0 0	26 15 0	527 14 2	Five hundred fifty-four pounds nine shillings and twopence	554 9 2
Duxbury	0 0 0	25 10 0	178 10 10	Two hundred and four pounds and tenpence	204 0 10
Marshfield	0 0 0	24 17 6	240 16 8	Two hundred sixty-five pounds fourteen shillings and twopence	265 14 2
Bridgwater	0 0 0	24 10 0	664 11 8	Six hundred eighty-nine pounds one shilling and eightpence	689 1 8
Middleborough	0 0 0	26 10 0	486 0 10	Five hundred and twelve pounds ten shillings and tenpence	512 10 10
Rochester	0 0 0	20 10 0	301 11 3	Three hundred and twenty-two pounds one shilling and threepence,	322 1 3
Plympton	0 0 0	27 5 0	194 3 4	Two hundred twenty-one pounds eight shillings and fourpence	221 8 4
Pembroke	0 0 0	26 10 0	233 19 2	Two hundred sixty pounds nine shillings and twopence	260 9 2
Kingston	7 7 0	0 0 0	136 5 0	One hundred forty-three pounds twelve shillings	143 12 0
Hanover	0 0 0	0 0 0	153 5 10	One hundred fifty-three pounds five shillings and tenpence	153 5 10
Abington	0 0 0	0 0 0	178 2 6	One hundred seventy-eight pounds two shillings and sixpence	178 2 6
Halifax	0 0 0	0 0 0	96 11 3	Ninety-six pounds eleven shillings and threepence	96 11 3
Warham	0 0 0	0 0 0	63 2 6	Sixty-three pounds two shillings and sixpence	63 2 6
	£7 7s. 0d.	£224 12s. 6d.	£3,777 9s. 2d.	Four thousand and nine pounds eight shillings and eightpence	£4,009 8s. 8d.

IN THE COUNTY OF BARNSTABLE.

Barnstable	£0 0s. 0d.	£26 0s. 0d.	£319 3s. 4d.	Three hundred forty-five pounds three shillings and fourpence	£345 3s. 4d.
Yarmouth	0 0 0	18 15 0	248 10 10	Two hundred sixty-seven pounds five shillings and tenpence	267 5 10
Sandwich	0 0 0	18 10 0	279 11 8	Two hundred ninety-eight pounds one shilling and eightpence	298 1 8
Eastham	0 0 0	14 5 0	174 15 4	One hundred eighty-nine pounds and fourpence	189 0 4
Harwich	0 0 0	21 5 0	199 7 6	Two hundred twenty pounds twelve shillings and sixpence	220 12 6
Chatham	0 0 0	0 0 0	141 8 1½	One hundred forty-one pounds eight shillings and one penny halfpenny	141 8 1½
Truro	0 0 0	0 0 0	115 17 8½	One hundred and fifteen pounds seventeen shillings and eightpence halfpenny	115 17 8½
Falmouth	9 7 0	13 0 0	172 17 3½	One hundred ninety-five pounds four shillings and threepence halfpenny	197* 4 3½
Wellfleet	0 0 0	0 0 0	90 4 8	Ninety pounds four shillings and eightpence	90 4 8
	£9 7s. 0d.	£111 15s. 0d.	£1,741 16s. 5½d.	One thousand eight hundred sixty-two pounds eighteen shillings and fivepence halfpenny	£1,862 18s. 5½d.

IN THE COUNTY OF BRISTOL.

Taunton	£0	0s.	0d.	£25	15s.	0d.	£454	11s.	8d.	Four hundred and eighty pounds six shillings and eightpence	£480	6s. 8d.
Rehoboth	0	0	0	27	7	6	532	18	4	Five hundred and sixty pounds five shillings and tenpence	560	5 10
Swanzey with Shawamet	0	0	0	24	0	0	335	18	9	Three hundred fifty-nine pounds eighteen shillings and ninepence	359	18 9
Dartmouth	0	0	0	28	5	0	858	3	6½	Eight hundred eighty-six pounds eight shillings and sixpence halfpenny	886	8 6½
Norton	0	0	0	21	7	6	305	17	8½	Three hundred twenty-seven pounds five shillings and twopence halfpenny	327	5 2½
Attleborough	0	0	0	26	12	6	283	19	2	Three hundred and ten pounds eleven shillings and eightpence	310	11 8
Dighton	0	0	0	0	0	0	196	17	6	One hundred ninety-six pounds seventeen shillings and sixpence	196	17 6
Freetown	0	0	0	20	10	0	201	3	11½	Two hundred and twenty-one pounds thirteen shillings and elevenpence halfpenny	221	13 11½
Raynham	0	0	0	0	0	0	101	11	3	One hundred and one pounds eleven shillings and threepence	101	11 3
Easton	0	0	0	0	0	0	129	10	3	One hundred twenty-nine pounds ten shillings and threepence	129	10 3
Berkley	0	0	0	0	0	0	111	17	6	One hundred and eleven pounds seventeen shillings and sixpence	111	17 6
	£0	0s.	0d.	£173	17s.	6d.	£3,512	9s.	7½d.	Three thousand six hund. and eighty-six pounds seven shill. and a penny halfpenny	£3,686	7s. 1½d.

IN THE COUNTY OF YORK.

York	£0	0s.	0d.	£28	10s.	0d.	£458	10s.	10d.	Four hundred eighty-seven pounds and tenpence	£487	0s. 10d.
Kittery	0	0	0	29	5	0	476	16	5½	Five hundred and six pounds one shilling and fivepence halfpenny,	506	1 5½
Wells	0	0	0	28	0	0	242	10	0	Two hundred and seventy pounds ten shillings	270	10 0
Berwick	0	0	0	18	10	0	376	17	6	Three hundred ninety-five pounds seven shillings and sixpence	395	7 6
Arundell	0	0	0	0	0	0	124	12	8½	One hundred twenty-four pounds twelve shillings and eightpence halfpenny	124	12 8½
Biddeford	0	0	0	8	0	0	135	12	2	One hundred and forty-three pounds twelve shillings and twopence,	143	12 2
District of Pepperrellborough	0	0	0	0	0	0	94	3	8	Ninety-four pounds three shillings and eightpence	94	3 8
Narraganset No. One	0	0	0	0	0	0	29	11	8	Twenty-nine pounds eleven shillings and eightpence	29	11 8
	£0	0s.	0d.	£112	5s.	0d.	£1,938	15s.	0d.	Two thousand and fifty-one pounds	£2,051	0s. 0d.

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IN THE COUNTY OF CUMBERLAND.

	FINES.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Falmouth	£0 0s. 0d.	£27 15s. 0d.	£690 10s. 7½d.	Seven hundred and eighteen pounds five shillings and sevenpence halfpenny	£718 5s. 7½d.
North Yarmouth	0 0 0	18 5 0	123 3 6½	One hundred and forty-one pounds eight shillings and sixpence halfpenny	141 8 6½
Scarborough	0 0 0	26 10 0	264 1 5½	Two hundred and ninety pounds eleven shillings and fivepence halfpenny	290 11 5½
Brunswick	5 18 0	0 0 0	109 13 9½	One hundred and fifteen pounds eleven shillings and ninepence halfpenny	115 11 9½
Harpswell	0 0 0	0 0 0	82 11 0½	Eighty-two pounds eleven shillings and a halfpenny	82 11 0½
Gorham	0 0 0	0 0 0	49 4 4½	Forty-nine pounds four shillings and fourpence halfpenny	49 4 4½
Windham	0 0 0	0 0 0	24 11 8	Twenty-four pounds eleven shillings and eightpence	24 11 8
Piersontown	0 0 0	0 0 0	0 0 0	– – – – –	0 0 0
	£5 18s. 0d.	£72 10s. 0d.	£1,343 16s. 6d.	One thousand four hundred and twenty-two pounds four shillings and sixpence	£1,422 4s. 6d.

IN THE COUNTY OF LINCOLN.

Pownallborough	£0 0s. 0d.	£0 0s. 0d.	£94 10s. 8d.	Ninety-four pounds ten shillings and eightpence	£94 10s. 8d.
Georgetown	9 15 0	0 0 0	167 10 0	One hundred and seventy-seven pounds five shillings	177 5 0
Newcastle	0 0 0	0 0 0	68 10 10	Sixty-eight pounds ten shillings and tenpence	68 10 10
Topsham	0 0 0	0 0 0	42 10 0	Forty-two pounds ten shillings	42 10 0
Woolwich	0 0 0	0 0 0	61 10 2	Sixty-one pounds ten shillings and twopence	61 10 2
	£9 15s. 0d.	£0 0s. 0d.	£434 11s. 8d.	Four hundred and forty-four pounds six shillings and eightpence	£444 6s. 8d.

IN THE COUNTY OF DUKES COUNTY.

Edgartown	£0 0s. 0d.	£7 5s. 0d.	£135 0s. 0d.	One hundred and forty-two pounds five shillings	£142 5s. 0d.
Chilmark	7 16 0	0 0 0	144 8 6½	One hundred and fifty-two pounds four shillings and sixpence halfpenny	152 4 6½
Tisbury	0 0 0	4 15 0	98 2 6	One hundred and two pounds seventeen shillings and sixpence	102 17 6
	£7 16s. 0d.	£12 0s. 0d.	£377 11s. 0½d.	Three hundred ninety-seven pounds seven shillings and a halfpenny,	£397 7s. 0½d.

IN THE COUNTY OF NANTUCKET.

Sherburne . .	£0	0s.	0d.	£7	15s.	0d.	£590	8s.	4d.	Five hundred ninety-eight pounds three shillings and fourpence .	£598	3s. 4d.
Suffolk . . .	£8	0s.	0d.	£324	9s.	6d.	£10,358	14s.	11½d.	Ten thousand six hundred ninety-one pounds four shillings and fivepence halfpenny	£10,691	4s. 5½d.
Essex . .	29	1	0	396	12	6	9,009	7	6	Nine thousand four hundred thirty-five pounds one shilling . .	9,435	1 0
Middlesex . .	29	2	0	512	2	6	7,132	19	6	Seven thousand six hundred seventy-four pounds four shillings .	7,674	4 0
Hampshire . .	7	8	0	140	10	0	3,899	17	9	Four thousand forty-seven pounds fifteen shillings and ninepence .	4,047	15 9
Berkshire . .	0	0	0	22	5	0	566	5	0	Five hundred eighty-eight pounds ten shillings	588	10 0
Worcester . .	34	9	0	302	5	0	5,413	15	7	Five thousand seven hundred and fifty pounds nine shillings and sevenpence	5,750	9 7
Plymouth . .	7	7	0	224	12	6	3,777	9	2	Four thousand and nine pounds eight shillings and eightpence .	4,009	8 8
Barnstable . .	9	7	0	111	15	0	1,741	16	5½	One thousand eight hundred and sixty-two pounds eighteen shillings and fivepence halfpenny	1,862	18 5½
Bristol . . .	0	0	0	173	17	6	3,512	9	7½	Three thousand six hundred and eighty-six pounds seven shillings and a penny halfpenny	3,686	7 1½
York . . .	0	0	0	112	5	0	1,938	15	0	Two thousand and fifty-one pounds	2,051	0 0
Cumberland . .	5	18	0	72	10	0	1,343	16	6	One thousand four hundred and twenty-two pounds four shillings and sixpence	1,422	4 6
Lincoln . .	9	15	0	0	0	0	434	11	8	Four hundred forty-four pounds six shillings and eightpence .	444	6 8
Dukes County .	7	16	0	12	0	0	377	11	0½	Three hundred ninety-seven pounds seven shillings and a halfpenny,	397	7 0½
Nantucket . .	0	0	0	7	15	0	590	8	4	Five hundred ninety-eight pounds three shillings and fourpence .	598	3 4
	£158	3s.	0d.	£2,412	19s.	6d.	£50,097	18s.	1d.	Fifty-two thousand six hundred sixty-nine pounds and sevenpence .	£52,669	0s. 7d.

Rules for assessment.

And be it further enacted,

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at six shillings and eightpence per poll, and proportionably in assessing the additional sum paid out of the treasury, to the representatives for their travel and attendance aforesaid (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers, and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls or estate, or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

[SECT. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county in proportion to the province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profit, in their improvement, at twelvepence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making the said assessment, to estimate houses and lands at six years' yearly rent, whereat the same may be reasonably set or let for in the place where they lye: *saving* all agreements between landlord and tenant, and where no agreement is, the landlord to reimburse one-half of the tax set upon such houses and lands, new cleared lands for tillage not to be rated until the first crop be taken off; and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment and discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old and upwards, at three shillings each; the several creatures above mentioned to be taxed to their respective owners or occupants, by the assessors of the towns in which the owners or occupants dwell: likewise requiring the said assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty, and if as guardians, or for any estate,

in his or her improvement, in trust, to be distinctly expressed; and the list or lists, so perfected and signed by them, or the major part of them, to commit to the collector or constable or constables of any such town, district, parish or place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, some time before the last day of November next.

[Sect. 4.] And the treasurer, for the time being, upon receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector, or constable or constables, of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirtieth day of March, which will be in the year of our Lord one thousand seven hundred and sixty-six.

And be it further enacted,

Inhabitants to bring in a true list of their polls, estate, &c.

[Sect. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making of the assessment, shall give seasonable warning to the inhabitants, in a town-meeting, or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way, to give or bring in to the assessors true and perfect lists of their polls and rateable estate they shall be possessed of, on the first Monday in September next, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid in to the town, district or parish treasury, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[Sect. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize into the same, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho', in the time of their resid-

ing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it therefore enacted,

Transient traders to be rated.

[SECT. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected, as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town beside where they dwell.

[SECT. 8.] That when any merchant, trader or factor, shall set up a store, and traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are impowered to rate and assess all such merchants, traders and factors, their goods and merchandizes, for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions in this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[SECT. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same.

And whereas it has been the practice of some of the inhabitants of the town of Boston to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of the said town,—

Be it therefore enacted,

Inhabitants of Boston who remove out of town and return in a year, to pay their tax in said town.

[SECT. 10.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in the said town, he shall be subject to pay said taxes in like manner as he would have been had he not have removed from said Boston (*saving* so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding. [*Passed June* 21.

CHAPTER 19.

AN ACT FOR THE PRESERVATION AND INCREASE OF MOOSE AND DEER ON TARPOLIN-COVE ISLAND AND NENNEMESSET ISLAND, LYING AND BEING IN THE COUNTY OF DUKES COUNTY.

Preamble.

WHEREAS James Bowdoin and William Bowdoin, Esqrs., by their petition to this court, have represented that they have been long endeavouring to raise a stock of deer on Tarpolin-Cove Island, otherwise called Nausham, or Catamock, and on the island Nennemesset, and several small islands contiguous (said islands being in the town of Chilmark, in the county of Dukes County), but have been in a great measure prevented by hunters and others coming on said islands to hunt and kill deer; to the great damage of the said petitioners, not only in the loss of deer, but of other live stock, which has been clandestinely

taken away by said hunters, or destroyed by their dogs; *and whereas* the raising and increase of moose and deer on said islands may be of great advantage not only to the said petitioners and their successors, but also to the publick,—

Be it enacted by the Governor, Council and House of Representatives,

No person but such as are proprietors or have license, to hunt, wound, or kill moose or deer on the islands mentioned.

[Sect. 1.] That each and every person, except the said petitioners, or such as shall be proprietors of said islands, or such as shall have special licence from them, who shall, after the twentieth day of July in this present year, one thousand seven hundred and sixty-five, hunt, wound, kill or take away any moose or deer upon either of the islands aforesaid, or be concerned or assisting therein, and be thereof convicted, either by his own confession or by the oath of one witness, shall, for each and every time he shall so hunt, or for each and every moose or deer he shall so wound, kill or take away, pay a fine of six pounds and costs of prosecution; one moiety of said fine to be to his majesty for the use of this province, and the other moiety thereof to him or them that shall inform against and prosecute the offender to effect; such prosecution to be commenced within two years after the offence done.

Penalty.

And be it further enacted,

Offenders deemed trespassers, and may be sued accordingly:

[Sect. 2.] That every person killing or taking away, or assisting in killing or taking away, any moose or deer on either of the islands aforesaid, shall be and hereby is deemed a trespasser; and is hereby subjected to the action of such as are or shall be the proprietor or proprietors of all or any of said islands, or to the action of any or either such proprietors, for the recovery of six pounds for each and every moose or deer so killed or taken away, if such proprietor or proprietors shall choose rather to bring an action of trespass against such offender, than a prosecution: *provided*, that such trespasser shall not, for one and the same offence, be subjected both to an action and a prosecution; and if both shall be brought against the same offender, for the same offence, the proprietors shall be obliged to make their option which they will continue, and shall discontinue the other.

—but subject to only one action or prosecution.

And be it further enacted,

The flesh and skins deemed to be evidence, unless proof be made that they were not killed contrary to law.

[Sect. 3.] That if the flesh, skin or skins of any moose or deer newly killed, be, at any time after the twentieth day of July aforesaid, found with, or in the possession of, any person or persons whatsoever, except as before excepted, on either of the islands aforesaid, it shall be deemed sufficient proof of such person or persons' having killed moose or deer contrary to this act, unless such person or persons shall prove, by evidence, that such moose or deer were not killed on either of the said islands, or killed thereon by persons authorized to kill the same.

And be it further enacted,

Lawful to kill dogs found on the islands, not belonging there.

[Sect. 4.] That it shall be and hereby is declared to be lawful for any person or persons to kill any dog or hound that may at any time be brought or found on any of the islands aforesaid, not belonging to the said islands or some of the inhabitants of the same.

Limitation.

[Sect. 5.] This act to continue and be in force for five years from the twentieth day of July, one thousand seven hundred and sixty-five, and no longer. [*Passed and published June 25.*

CHAPTER 20.

AN ACT FOR THE PRESERVATION OF THE BEACH AND HARBOUR IN THE TOWN OF PLYMOUTH.

Preamble.

WHEREAS great damage is done on the beach in the town of Plymouth by cutting and carrying off the wood and brush that grows on some part of it, and the harbour is greatly endangered thereby,—

Be it enacted by the Governor, Council and House of Representatives,

No person to cut wood or brush growing on Plymouth beach, but under certain restrictions.

[SECT. 1.] That no person, on any pretence whatever, be allowed to cut and carry off any of the wood or brush that grows on said beach, *saving* what may be cut by order of the selectmen, and used for the securing and preserving said beach and harbour; and if any person shall cut and carry off any wood, poles, brush or trees standing and growing on said beach, he shall forfeit and pay for each offence the sum of twenty shillings for each tree, pole or quantity of brush cut and carried off; to be recovered by action or information before any justice of the peace in the county of Plymouth, one half of the said forfeiture to him or them that shall inform and sue for the same, and the other half to the use of the poor of the town of Plymouth.

Penalty.

Limitation.

[SECT. 2.] This act to continue and be in force for the space of three years from the tenth day of July next, and no longer. [*Passed and published June* 25.

CHAPTER 21.

AN ACT FOR RAISING BY LOTTERY THE SUM OF THREE THOUSAND TWO HUNDRED POUNDS, FOR BUILDING ANOTHER HALL FOR THE STUDENTS OF HARVARD COLLEGE TO DWELL IN.

Preamble.

WHEREAS the buildings belonging to Harvard College are greatly insufficient for lodging the students of the said college, and will become much more so when Stoughton Hall shall be pulled down, as, by its present ruinous state, it appears it soon must be; *and whereas* there is no fund for erecting such buildings, and considering the great expence which the general court has lately been at in building Hollis Hall, and also in rebuilding Harvard College, it cannot be expected that any further provision for the college should be made out of the public treasury, so that no other resort is left but to private benefactions, which, it is conceived, will be best excited by means of a lottery; therefore, to prevent the further inconveniences which will arise from the necessary pulling down Stoughton Hall, and to provide for the present want of lodging-rooms in the said college,—

Be it enacted by the Governor, Council and House of Representatives,

Directors of the college lottery appointed:

[SECT. 1.] That Thomas Hubbard, Esq., Harrison Gray, Esq., Thomas Flucker, Esq., Edward Holyoke, Esq., Joseph Lee, Esq., John Winthrop, Esq., and Mr. Thomas Gray, be appointed and impowered directors to set up and carry on a lottery or lotteries, in one or more classes, whereby to raise the sum of three thousand and two hundred pounds, lawful money; which sum so to be raised, and every part thereof from time to time so raised, after deducting the necessary expences, to be settled and approved of by the governor and council, shall be paid unto the treasurer of the province, to be subject to the

—for raising £3,200.

order of the governor, by and with the advice and consent of the council, for building a new hall for lodging-rooms, as before mentioned, for the use of Harvard College as aforesaid; and the said directors, or any four of them, shall, as soon after the publication of this act as conveniently may be, prepare a scheme and plan for carrying on the said lottery or lotteries, and lay the same before the governor and council for their approbation; which scheme and plan, with such alterations and additions thereto as shall be thought adviseable from time to time, being approved of by the governor and council, shall be the rules for the said directors' proceeding in the carrying on the said lottery or lotteries, and raising the said sum of three thousand and two hundred pounds as aforesaid. And the said directors, and each of them, before they or he shall undertake the execution of this act, shall take an oath for the faithful execution of the trust reposed in them, before one of his majesty's council or a justice of the peace, the administration of which oath shall be certified unto the governor and council; and the accounts of the said directors, and each of them, shall be audited and finally settled by the governor and council, and there shall remain upon record.

Money, how to be applied.

Governor and council to approve the scheme.

Directors to be under oath.

[Sect. 2.] And if there shall be any disputes concerning the right of or to any benefit-ticket or tickets, the same shall be heard and determined by the directors, or any four of them; and if either of the parties shall be dissatisfied with such determination, they shall be at liberty to appeal to the governor and council, who shall hear and finally determine the same; and if any prize which shall be drawn in the said lottery or lotteries shall not be claimed within one year after the list of prizes shall be published in some or one of the Boston newspapers, the same shall be considered as generously given to the uses aforesaid, and shall be paid unto the said treasurer, and applied accordingly; and if there shall remain any overplus of the said money remaining, after the said new hall shall be built and compleatly finished, the same shall be applied, for the benefit of the college, to such uses as the governor, with the advice and consent of the council, shall order and direct.

Prizes not claimed in one year, to be considered as given to the college.

Overplus, if any, to be applied for the benefit of the college.

And be it enacted,

[Sect. 3.] That if any person or persons shall forge or alter, or knowingly publish any forged or altered ticket or tickets, with intent to defraud, and shall be convicted thereof in the superior court of judicature, court of assize and general goal delivery, such person or persons shall be punished by fine, imprisonment, setting in the pillory, and whipping, or any of them, according to the discretion of the court and the nature of the offence. [*Passed and published June* 25.

Penalty on forging tickets.

CHAPTER 22.

AN ACT TO ENABLE THE PROPRIETORS OF THE TOWN OF WINDHAM, IN THE COUNTY OF CUMBERLAND, TO EXCHANGE THE MINISTERIAL HOME-LOT, SO CALLED, FOR OTHER LANDS IN THE SAID TOWN.

Whereas the ministerial home-lot in the town of Windham, in the county of Cumberland, containing twenty acres, is but ten poles wide and a mile long, and therefore, by the great charge of fencing, rendered unfit for that use; *and whereas* the Reverend Mr. Peter Thacher Smith is seised and possessed of one hundred acres of land (lot number forty-four), in the aforesaid town of Windham, which has been assigned him by the proprietors, as part of his settlement; *and whereas* the said proprietors, by their committee, Nathan Bowen, Jeremiah Lee

Preamble.

and Isaac Mansfield, Esquires, on the one part, and the said Peter Thacher Smith, on the other, for their mutual advantage and benefit, desire to make an exchange of the abovesaid ministerial home-lot, containing twenty acres, for the like quantity of twenty acres out of the abovesaid lot number forty-four, as it shall be laid out by the parties above named,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Proprietors of Windham, and Rev. Mr. Smith, empowered to exchange a lot of land.

That the proprietors of the said town of Windham, by their aforesaid committee, Nathan Bowen, Jeremiah Lee and Isaac Mansfield, be and hereby are fully authorized and impowered to bargain, sell, and convey, and execute a good and sufficient deed of, the ministerial home-lot aforesaid, to the said Peter Thacher Smith, his heirs and assigns forever, any assignment of the said lot to the use of the ministry notwithstanding; and to take by deed, in exchange therefor, from the said Peter Thacher Smith, twenty acres, part of the said lot number forty-four, which twenty acres of the said lot number forty-four shall be and hereby are declared to be appropriated to the use of the ministry in the said town of Windham, in like manner as the ministerial home-lot, so called, would have been and remained appropriated if it had not been alienated in consequence of this act. [*Passed June* 25.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-FIFTH DAY OF SEPTEMBER, A.D. 1765.

CHAPTER 23.

AN ACT FOR INCORPORATING A NEW PLANTATION IN THE COUNTY OF HAMPSHIRE, CALLED AND KNOWN BY THE [*NAME OF**] MURRAYFIELD, INTO A TOWN BY THE NAME OF MURRAYFIELD.

Preamble.

WHEREAS the proprietors of the plantation called and known by the name of Murrayfield, have represented to this court that the inhabitants of said plantation labour under many difficulties and inconvenienc[*i*]es by reason of their not being incorporated; for the removal whereof,—

Be it enacted by the Governor, Council and House of Representatives,

Murrayfield made a town, by certain bounds.

[SECT. 1.] That said tract of land, bounded and described as follows; viz[t]., bounded northerly, partly on Chesterfield, and partly on a new township known by the name of Number Three, and runs from the south-west corner of said Chesterfield to the north-east corner of Becket; thence, on the east line of Becket, to the south-east corner of said Becket; and from thence, the same course to Blan[*d*]ford line; then, bounded south, partly on said Blanford, and partly on Westfield; and east, partly on Southampton, and partly on Northampton,—be and hereby is erected into a town by the name of Murrayfield; and the inhabitants thereof shall have and enjoy all such privile[d]ges and immunities as other towns in this province have and do by law enjoy.

And be it further enacted,

First meeting, how to be notified.

[SECT. 2.] That Eldad Taylor, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of said town of Murrayfield, requiring him, in his majesty's name, to warn and notify the said inhabitants, qualified to vote in town affairs, to meet together at such time, and place in said town, as shall be appointed in said warrant, to choose such officers as the law directs to be chosen annually, in the month of March, and may be necessary to manage the affairs of said town; and the inhabitants, so met, shall be and are hereby impowered to choose officers accordingly. [*Passed October* 31.

CHAPTER 24.

[*A**]N ACT FOR REVIVING AND CONTINUING AN ACT MADE IN THE FOURTH YEAR OF HIS PRESENT MAJESTY KING GEORGE THE THIRD, INTITLED "AN ACT TO PREVENT THE UNNECESSARY DESTRUCTION OF ALEWIVES IN THE TOWN OF MIDDLEBOROUGH."

Act to prevent destruction of alewives in

WHEREAS an act made in the fourth year of his present majesty's reign, intitled "An Act in addition to the act intitled 'An Act to pre-

* Parchment mutilated.

Middleborough, continued. 1764-65, chap. 10.

vent the unnecessary destruction of alewives in the town of Middleborough,' '' has been found useful and beneficial, and is now expired,—

Be it therefore enacted by the Governor, Council and House of Representatives,

That the said act, in all and every article, clause, matter and thing, be and is hereby revived, and shall be in full force until the twenty-sixth of October, which will be in the year of our Lord one thousand seven hundred and sixty-seven. [*Passed October* 31.

CHAPTER 25.

AN ACT FOR ERECTING THE SECOND PARISH OF FALMOUTH, IN THE COUNTY OF CUMBERLAND, INTO A DISTRICT BY THE NAME OF CAPE ELISABETH.

Preamble.

WHEREAS the second parish of Falmouth, in the county of Cumberland, labour under many and great difficulties by reason of their not being erected into a distinct and separate district; wherefore,—

Be it enacted by the Governor, Council and House of Representatives,

Cape Elizabeth made a district, by certain bounds.

[SECT. 1.] That the said second parish of Falmouth, lying and being on the south side of the Fore River, in Falmouth, run[*n*]ing up said river, towards Stroudwater River, until it comes within half a mile of the mouth, or entrance, of said Stroudwater River, and thence, on a due west course, or line, across to Scarborough line, be and is hereby incorporated into a district by the name of Cape Elisabeth; and that the said district be and hereby is invested with all the privile[d]ges, powers and immunities that towns in this province, by law, do or may enjoy, that of sending a representative to the general assembly only [ex]-[*ac*]cepted; and that the inhabitants of said district shall have liberty, from time to time, to join, with the town of Falmouth, in the choice of a representative or representatives; and that the selectmen of the town of Falmouth give seasonable notice, to the inhabitants of s[*ai*]'d district, of the time and place for the choice of such representative or representatives, which representatives may be chosen indifferently from said town or district.

And be it further enacted,

First meeting, how to be notified.

[SECT. 2.] That Samuel Waldo, Esq[r]., be and hereby is directed and impowered to issue a warrant, directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district, qualified to vote in town affairs, to assemble at some suitable time and place, in said district, to chuse such officers as are necessary to manage the affairs of said district.

Provided, nevertheless,—

Proviso.

[SECT. 3.] The inhabitants of said district of Cape Elisabeth shall pay their proportionable part of all such town, county and province charges, as are already assessed, in like manner as tho'[*ugh*] this act had not been made. [*Passed November* 1.

ACTS

Passed at the Session begun and held at Boston, on the Fifteenth day of January, A.D. 1766.

CHAPTER 26.

AN ACT FOR ERECTING THE NORTH PRECINCT IN THE TOWN OF WESTBOROUGH, IN THE COUNTY OF [*WORCESTER**], INTO A SEP[E][*A*]RATE DISTRICT BY THE NAME OF NORTHBOROUGH.

Whereas the inhabitants of the north precinct in Westborough, in the county of Worcester, labour u[*nder**] many and great difficulties by reason of their not being a distinct and sep[e][*a*]rate district; therefore,— Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the north precinct in Westborough, in the county of Worcester, according to its present known bounds, be and hereby is erected into a district by the name of Northborough; and that the said district be and hereby is invested with all the privileges, powers and immunities that towns in this province, by law, do or may enjoy, that of sending a representative to the general assembly excepted; and that the inhabitants of the said district shall have full power, from time to time, to join, with the town of Westborough, in the choice of a representative or representatives, which representatives may be chosen indifferently from said town or district; and that the selectmen of the town of Westborough, as often as they shall call a meeting for the choice of a representative, shall give seasonable notice to the clerk of said district for the time being, of the time and place of said meeting, to the end that the said district may join them therein; and the clerk of said district shall set up, in some publick place in the said district, a notification thereof, accordingly; and the pay and allowance of said representative to be borne by said town and district. Northborough made a district by certain bounds. To join with Westborough in the choice of representatives.

And be it further enacted,

[Sect. 2.] That the said district shall pay their proportion of all town, county and province taxes already set on, or granted to be raised by, said town, as if this act had not been made. To pay a proportion of the taxes.

Provided, nevertheless,—

[Sect. 3.] That the inhabitants of the said district shall retain and enjoy the same right and share to all the ministerial lands, and the improvements and profits thereof, as they would have had if this act had not been made. To have right and share to the ministerial lands:

Provided, also,—

And be it further enacted,

[Sect. 4.] That of all [*the*] monies, arms and ammunition, weights and measures, belonging to said town, the inhabitants of the said district shall have and enjoy a proportion thereof, equal to the proportion they paid of the charges of said town, according to their last town tax. —and a proportion of moneys, arms, weights, &c.

* Parchment mutilated.

And be it further enacted,

First meeting, how to be notified.

[SECT. 5.] That Francis Whipple, Esq[r]., be and hereby is [e][*i*]mpowered to issue a warrant, directed to some principal inhabitant in said district, requiring him to warn the inhabitants of the said district, qualified, by law, to vote in town affairs, to meet at such time and place as shall be therein set forth, to choose all such officers as shall be necessary to manage the affairs of said district. [*Passed January* 24, 1766.

CHAPTER 27.

AN ACT FOR ALTERING THE TIME APPOINTED FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS, WHICH, BY LAW, ARE NOW ESTABLISHED TO BE HELD AT CHARLESTOWN, IN THE COUNTY OF MIDDLESEX, ON THE FIRST TUESDAY OF MARCH.

Preamble. 1764-65, chap. 20.

WHEREAS it appears inconvenient that the said court of general sessions of the peace, and inferior court of common pleas for the said county, should be held on the said first Tuesday of March,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Time of holding court of sessions, &c., at Charlestown.

[SECT. 1.] That the said court of general sessions of the peace, and inferior court of common pleas, shall be henceforth held on the third Tuesday of March, annually, and all officers and other persons concerned are required to conform themselves accordingly.

And be it further enacted,

Writs, &c., returnable.

[SECT. 2.] That all writs, suits, plaints, processes, appeals, reviews, recognizances, warrants, or other matters or things whatsoever, which now are, or at any time before the said third Tuesday of March, shall be, issued, taken or depending in the said county of Middlesex, which were to have been returned, or proceeded on, on the said first Tuesday of March, as by law appointed, shall be good and valid, and stand good, to all intents and purposes, in the law, and shall be returned and proceeded on—and said courts shall be held on—the said third Tuesday of March, annually. [*Passed February* 15, 1766.

CHAPTER 28.

[*AN A**]CT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED, AND WINE, AND UPON LIMES, [*LEMMONS**] AND ORANGES.

Preamble.

WE, his majesty's most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous of less[*e*]ning the present debt of the province, have chearfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the end and use above mentioned, and for no other use, an excise upon all rum, and other distilled spirits, and upon all wines whatsoever, and upon lemmons, limes and oranges, to be raised, levied and collected, and paid in manner and form following:—

And be it accordingly enacted by the Governor, Council and House of Representatives,

Time of this act's continuance.

[SECT. 1.] That from and after the twenty-fifth day of March, one

* Parchment mutilated.

thousand seven hundred and sixty-six, and until[l] the twenty-sixth day of March, one thousand seven hundred and sixty-seven, every person already licenced, or that shall be hereafter licenced, to retail rum or other spirits distilled, or wine, shall pay the duties following:—

For every gallon of rum and spirits distilled, fourpence.

For every gallon of wine of every sort, sixpence.

For every hundred of lemmons or oranges used and consumed in making punch, or otherwise for sale by taverners and innholders only, eight shillings.

For every hundred of limes used and consumed in making punch, or otherwise for sale by taverners and innholders only, three shillings.

—And so proportionably for any quantity or number.

And be it further enacted,

Accounts to be taken.

[Sect. 2.] That every retailer of rum, wine or spirits distilled, taverner and innholder, shall, on the twenty-sixth day of March, one thousand seven hundred and sixty-six, take a just and true account, in writing, of all wine, rum and spirits distilled, then by him or her, or in his or her possession; and that every person who shall be he[a]r[e]after licenced to be a taverner, innholder and retailer of wine, rum or spirits distilled, shall take a like account of all wine, rum and other spirits distilled, by him or her, or in his or her possession, at the time of such licence being granted; and every taverner, innholder and retailer of rum and other spirits distilled, or wine, shall make a fair entry, in a book by them respectively to be kept for that purpose, of all such rum, or other spirits distilled, or wine, as he or she, or any person or persons for him or her, shall buy, distill, take or receive, after such first account taken, and when and of whom the same was bought and taken in; and at the expiration of the said year shall take a just and true account how much thereof then remains by them; and shall, in writing, under their hands, render to him or them that shall collect the duties aforesaid the whole of those several accounts, and shall also make oath, in the form following, before such collector or collectors, who are hereby impowered to administer the same:—

Form of the oath.

You, A. B., do swear that the account by you now rendered, is, to the best of your knowledge, a just and true account of all wines, rum and distilled spirits you had by you, or in your possession, on the twenty-six[th] day of March, one thousand seven hundred and sixty-six, and also of all the wine, rum and other distilled spirits bought, distilled, taken in or received by you, or by any person or persons for or under you, or by or with your knowledge, allowance, consent or connivance, and that there still remains thereof in your possession, unsold, so much as is in this account said to remain by you unsold; and that there has not been by you, or by any other person or persons for or under you, by your order, allowance, consent or connivance, either directly or indirectly, sold, used or consumed any wine, or any liquor for, or as, wine, any rum or distilled spirits, or liquor for, or as, rum or distilled spirits; or if a taverner or innholder, that there has not been any limes, lemmons or oranges by you, or by any person or persons for or under you, or by your order, consent, allowance or connivance, used in making punch, or otherwise for sale, since the twenty-fifth day of March, one thousand seven hundred and sixty-six, besides what is contained in the account by you now rendered. So help you God.

Penalty for collectors receiving accounts without oath.

—and every collector of the excise who shall receive any account from any person, in consequence of this act, without making oath to the same, as aforesaid, shall forfeit and pay for the use of the government the sum of twenty pounds.

[Sect. 3.] And for every person that was not licenced on the same twenty-sixth day of March, the form of the oath shall be so varied as that instead of expressing the day aforesaid, the time of taking their licence shall be inserted and used.

Duties to the collector.

[SECT. 4.] And every such taverner, innholder and retailer shall pay the duties aforesaid to him or them that shall collect the same, on the whole of the several articles mentioned in such account rendered, *saving only* for such part thereof as remains in their hands unsold: *provided, nevertheless,* [*that for**] ordinary leakage, &c[a]., ten per cent shall be allowed them on all liquors in such account mentioned, [*besides wh**]at remains in their hands unsold, and what they shall on oath depose they have lost by extraordinary [*leakage or**] other casualties.

Ten per cent allowed for leakage.

And be it further enacted,

Taverners, &c., to give bond.

[SECT. 5.] That every person hereafter licen[c][*s*]ed to be a [*taverner, i**]nnholder or retailer of any wine, rum or spirits distilled shall, within thirty days after such [*licence g**]ranted, and before he or she shall sell by virtue of the same, not only become bound to keep good rule [*and o**]rder, as by law is already required, but shall also become bound, with sufficient sureties, by way of recognizance, to his majesty, for the use of this government, in a sufficient sum, to be ordered by the court that grants the licence, which sum shall not exceed three hundred pounds nor be less than fifty pounds, conditioned that they shall keep and render the accounts aforesaid, and pay the duties aforesaid, as in and by this act is required.

Provided, nevertheless,—

And it is hereby enacted and declared,

Recognizances put in suit may be chancered as other bonds.

[SECT. 6.] That all recognizances, taken in consequence of this act, and on forfeiture put in suit in any court of record within this province, may, by such court, be chancered down to the just debt and damage (where that can be known), as other bonds may be, by the laws of this province already enacted.

And be it further enacted,

Licenses not to be renewed if former excise is not paid.

[SECT. 7.] That no such taverner, innholder or retailer shall be licenced by the justices of the general sessions of the peace, who have not accounted with the collector, and paid him the excise, aforesaid, due from such persons at the time of his or her taking or renewing his licence.

Preamble.

And whereas, notwithstanding the laws made against selling strong drink without licence, many persons, not regarding the penalties of said act, do receive and entertain persons in their houses, and sell great quantities of spirits and other strong drink, without licence, by reason whereof great debaucheries are committed and kept secret, and such as take licences and pay the duties of excise therefor are greatly wronged, and the government thereby defrauded,—

Be it therefore enacted,

Forfeiture for selling without license.

[SECT. 8.] That if any distiller, importer, or any other person whatever, after the said twenty-fifth day of March, shall presume, directly or indirectly, to sell any rum or other distilled spirits, or wine, in less quantity than fifteen gallons, or any beer, ale, cyder, perry or other strong drink, in any quantity less than three gallons, without licence first had and obtained from the court of general sessions of the peace in that county, and recognizing in manner as afores[*aid**], shall forfeit and pay for each offence the sum of two pounds and costs of prosecution, two thirds for the use of the government, and the other third for the prosecutor.

Preamble.

And whereas divers other persons than those licenced to sell rum and other distilled spirits by retail, have heretofore supplied persons employed by them in the fishery, building vessel[l]s, and in other business, without paying any excise therefor, and thereby have defrauded the government of the duties of excise, and have not been subject to the penalty provided by law against selling drink without licence,

* Parchment mutilated.

and the same practice will probably be continued unless effectual care be taken to prevent the same,—

Be it therefore enacted,

Persons not licensed, supplying those employed by them in the fishery, &c., with spirituous liquors, to be deemed sellers.

[Sect. 9.] That all persons not licenced as aforesaid, who shall hereafter, by themselves, or by any other person or persons under them, or by their order[s], allowance or connivance, supply any person or persons employed by them in the fishery, building of vessel[l]s, or any other business or employ, with rum or any other distilled spirits, or wine, shall be deemed and taken to be sellers of such liquors, and be subject to the aforesaid pains and penalties provided against persons selling any of the liquors aforesaid without licence, and shall be recovered in like manner, unless they make it appear that such wine, rum or other distilled spirits was purchased of a taverner, innholder or retailer, or other person or persons that had licence or permit to sell the same.

And be it further enacted,

Vessels employed in the cod and whale fishery allowed twenty gallons free of excise.

[Sect. 10.] For the encouragement of the cod and whale fishery, that all rum and other spirits consumed by such persons as are employed in the said business, out of this province, be exempted from paying excise, and that there be allowed for the consumption of each vessel[l]'s crew usually fishing upon George's Banks, and to the eastward and southward thereof, the quantity of twenty gallons for each trip or fare; and that every master or owner of such vessel[l] or vessel[l]s that shall, after the twenty-sixth day of March next, supply any such vessel[l] with any rum or spirits on a fishing voyage, and produce an account thereof to the collector, under oath, not exceeding the aforesaid quantity of twenty gallons for one trip or fare, shall be allowed the same drawback as is provided in this act on rum and other spirits exported out of this province.

And be it further enacted,

One witness sufficient for conviction.

[Sect. 11.] That when any person shall be charged with selling any strong drink without licence, one witness produced to the satisfaction of the court or justice before whom the trial is, shall be deemed sufficient for conviction. And when and so often as it shall be observed that there is a resort of persons to houses suspected of selling strong drink without licence, any justice of the peace in the same county, shall [*have power**] to convene such persons before him, to examine them, upon oath, concerning the persons [*suspected of selling**] or retailing strong drink in such houses, outhouses or other depend[a][e]nc[i]e[s] thereof; and if, upon examining such witnesses, and hearing the defence of such suspected person, it shall appear to the justice there is sufficient proof of the violation of this act by selling strong drink without licence, judgment may thereupon be made [*up**] against such person, and he shall forfeit in like manner as if process had been commenced [*by**] action or information before the said justice; or otherwise the said justice may bind over the [*pers**]on suspected, and the witnesses, to the next court of general sessions of the peace for the [*coun**]ty where such person shall dwell.

And be it further enacted,

Penalty on persons refusing to give evidence.

[Sect. 12.] That if any person or persons shall be [*s**]ummoned to appear before a justice of the peace, or the grand jury, to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace, or other court proper to try the same, to give evidence on the trial of any person informed against, presented or indicted for selling strong drink without licence, and shall neglect, or refuse to appear, or to give evidence in that behalf, every person so offending shall forfeit the sum of

* Parchment mutilated.

forty shillings and costs of prosecution; the one half of the penalty aforesaid to be to his majesty for the use of the province, and the other half to and for the use of him or them who shall sue for the same as aforesaid. And when it shall so happen that witnesses are bound to sea before the sitting of the court where any person or persons informed against, for selling strong drink without licence, is or are to be prosecuted for the same, in every such case, the deposition of any witness or witnesses, in writing, taken before any two of his majesty's justices of the peace, *quorum unus*, and sealed up and delivered into court, the adverse party having first had notice, in writing, sent to him or her, of the time and place of caption, shall be esteemed a sufficient evidence, in the law, to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of trial, and given his, her or their deposition *vivâ voce;* and every person or persons who shall be summoned to give evidence before two justices of the peace, in manner as aforesaid, and shall neglect or refuse to appear, or to give evidence relating to the facts he or she shall be enquired of, shall be liable and subject to the same penalty as he or she would have been, by virtue of this act, for not appearing, or neglecting or refusing to give his or her evidence before the grand jury or court aforesaid.

And be it further enacted,

How fines, &c., are to be recovered.

[SECT. 13.] That all fines, penalties and forfeitures arising by this act shall and may be recovered by action or information before any court of record proper to try the same, and, where the sum forfeited does not exceed forty shillings, by action or information before any one of his majesty's justices of the peace in the respective counties where such offence shall be committed: which said justice is hereby impowered to try and determine the same. And the said justice shall make a fair entry or record of all such proceedings: *saving*, *always*, to any person or persons who shall think him- or themselves aggrieved by the determination of the said justice, liberty of appeal therefrom to the next court of general sessions of the peace to be holden for or within said county, at which court such offence shall be finally determined: *provided*, that in the same appeal the same rules be observed as are already required by law, in appeals, from justices, to the court of general sessions of the peace, *saving*, *only*, that the recognizance for prosecuting the appeal shall be four pounds.

Collectors to attend in each town or district.

[SECT. 14.] And that the respective collectors shall attend at some convenient place in each town or district in this province, in order to receive and settle all accounts relating to the said excise in the several towns of the county where he is collector, first giving seasonable and public[k] notice of the time and place or places where said business shall be transacted; and no collector shall demand or take any fee for such attendance, settlement or travel, upon the penalty of ten pounds, to be recovered by action or information, in any court of record; one half to the informer, and the other half for the use of the province.

Collectors already chosen are to see to the execution of this act;

[SECT. 15.] And such collectors in each county who shall hereafter be appointed by the general court to take charge of this duty of excise, shall be upon oath to take care of the execution of this law, and to prosecute the breakers of it.

—and may appoint deputies.

[SECT. 16.] And every collector of excise in any county may substitute and appoint one or more deputy or deputies under him, upon oath, to collect and receive the excise aforesaid, which shall become due in said county, and pay in the same to such collector, which deputy and deputies shall have, use and exercise all such powers and authorities as in and by this act are given or committed to the collector for

* Parchment mutilated.

the better collecting the duties aforesaid, or prosecuting offenders against this act; for the doings of which deputies the collectors respectively shall be accountable.

[Sect. 17.] And said collectors shall carefully examine the accounts of every licenced person in their respective counties, and demand, sue for, and receive the several sums due from them, by this act, and shall give in the name of every licenced and permitted person, and an account, under their hands, of the particular sums they receive, and of whom received, unto the treasurer, upon [*oa**]th; which oath the treasurer is hereby impowered and directed to administer in the words following; [*vi**]z[t].,—

Form of the oath.

You, A. B., do swear that this is a just and true account of the excise upon all wines, rum and distilled spirits, limes, lem[m]ons and oranges by you received or by you secured to be paid in the county of ; and that you have not wilfully neglected swearing any person of or for whom the same was received or secured, in manner and form as by law is prescribed. So help you God.

Collectors to give two receipts for every sum received.

[Sect. 18.] And at the time of receiving any money, the said collector shall give two receipts, of the same tenor and date, mentioning what sum or sums they have received from any taverner, innholder or retailer; one of which receipts to be by the said taverner, innholder or retailer, returned to the court of general sessions of the peace, within their respective counties, at the next session of such court, and the clerks of said court shall, within thirty days after the receipt thereof, transmit the same to the treasurer or receiver-general, under the penalty of twenty pounds for each clerk who shall neglect his duty herein.

Collectors' fees.

[Sect. 19.] And such collectors shall pay in to the publick treasury of this province all such sums as they shall receive, within fifteen months from the date of their appointment, on pain of forfeiting the reward given such collectors by this act, who shall be allowed, in the counties of Suffolk, Essex and Middlesex, two per cent, in the counties of Plymouth, Bristol, Hampshire and Worcester, two and a[*n*]-half per cent, and in the other counties, three per cent, on all money by them collected and paid into the treasury as aforesaid, each collector, before he enters into the said office, to give bond for treble the sum it was farmed for in the respective counties, in the year one thousand seven hundred and fifty-seven, with sureties to the treasurer of this province for the time being, and his successors in the said office; which bond shall be executed before the next court of general sessions of the peace, in the respective counties, where the said collectors live, or before two of his majesty's justices of the peace in the respective counties, one to be of the *quorum:* one of the said justices to return the certificate to the clerk of the sessions within thirty days, as aforesaid, and be transmitted to the treasurer of the province by the clerk of the peace within such county, within three months after the bond is executed; and the said treasurer shall put in suit the bonds of all such collectors who shall neglect to make due payment within fifty days after the day of payment.

Bond to be given to the treasurer, for treble the sum that the excise was farmed for.

And be it further enacted,

Penalty for collectors' or deputies' offending.

[Sect. 20.] That in case any collector of the excise [as] aforesaid, or his deputy, shall, at any time during their continuance in that office, wittingly and willingly connive at, or allow any person or persons in their respective divisions, not licenced by the court of general sessions of the peace, their selling any wines, rum or other liquors by this act forbidden, such collector or deputy, for every such offence, shall forfeit

* Parchment mutilated.

the sum of fifty pounds, and costs of prosecution; one half of the penalty aforesaid to be to his majesty for the use of this province, the other half to him or them that shall inform and sue for the same, and shall be thenceforward forever disabled from serving in said office: *saving* that said collector may give a permit to any person to sell rum, or other spirits distilled, or wine, in quantity from fifteen gallons and upwards, agreeable to this act.

Proviso.

Provided, always, and it is the true intent and meaning of this act,—

[SECT. 21.] That if any taverner or retailer shall sell to any other taverner or retailer any quantity whatever of distilled liquors and wine, such taverner or retailer, selling as aforesaid, shall not be held to pay such duty, but the taverner or retailer who is the purchaser shall pay the same; and the seller as aforesaid, shall, and hereby is required to, deliver to the collector of this duty a true account of such liquors sold as aforesaid, and to whom sold.

And to the end that the revenue arising from the excise upon spirituous liquors may be increased and raised with more equality,—

Be it enacted,

Duties to be paid upon all liquors imported or manufactured.

[SECT. 22.] That from and after the twenty-fifth day of March, one thousand seven hundred and sixty-six, to the twenty-sixth day of March, one thousand seven hundred and [seventy][*sixty*]-seven, upon all rum and other distilled spirits, and wines imported and manufactured, and sold for consumption within this province, there be laid and is hereby laid the duties of excise following; viz[t].,—

For every gallon of rum and spirits distilled, fourpence.

For every gallon of wine of every sort, sixpence.

—To be paid to the collector of excise, or his deputy, by every person having permit to sell the said liquors in each county, respectively.

And be it further enacted,

Liquors not to be sold by the importer, &c., without a permit.

[SECT. 23.] That every person that shall import any of the liquors [*afore**]said, or to whom any of them shall or may be consigned, shall be and hereby is prohibited from selling the [*same**], or any part thereof, without having a permit so to do from the collector of the excise, or his deputy. And [*every**] person distilling or manufacturing any of the said liquors, and every person owning or possessing any of [*them, e**]xcepting such as are or may be licenced by the court of general sessions of the peace, as aforesaid, [*shall**] be and hereby are prohibited from selling the same, or any part thereof, without having a permit [*s**]o to do from the collector of excise, or his deputy, on forfeiture of twenty-five pounds and of the value of the liquors so sold.

Proviso.

Provided, nevertheless,—

[SECT. 24.] That any person who shall have any of the liquors aforesaid, in the hands of any distiller or other permitted person, and shall draw an order for delivering the same or any part thereof, not less than fifteen gallons, to any person or his order, the person only who shall be the receiver of the same liquors, shall be obliged to take a permit, and be held to account, and pay the duties of excise due thereon.

Proviso.

Provided, nevertheless,—

[SECT. 25.] That the impost officer and his deputy shall be and hereby are respectively impowered to grant a permit for selling the liquors aforesaid, or any of them, to any person applying for the same, until[l] a collector be appointed in each county, respectively, to whom the duty of excise shall be paid as aforesaid, and until[l] the collector shall give public[k] notice of his appointment as aforesaid. And the said impost officer and his deputy, shall transmit, to the collector of each county, an account of the permits by each of them, respectively, granted to persons living in such county, and shall give to the collector, when

* Parchment mutilated.

required, an account of all the liquors imported, from time to time, for the better securing the excise.

And be it further enacted,

Persons having permit as aforesaid, to render an account to the collector at the end of every half-year, *saving*, &c.

[Sect. 26.] That every person having permit, as aforesaid, shall, at the end of the year, from the twenty-fifth day of March, one thousand seven hundred and sixty-six, be ready to render to the collector aforesaid, or his deputy, an account, on oath, of all the liquors aforesaid by him or her, or any person or persons in his or her behalf, sold; and also of all the aforesaid liquors by him or her imported, distilled or manufactured, or which have come into his or her possession since the twenty-fifth day of March aforesaid, except the same were bought of a licenced person in a quantity less than fifteen gallons, which in his or her family have been consumed or expended within said year; which account shall express the number of gallons of each kind of the liquors so sold and consumed; and shall pay therefor to the said collector or his deputy the duty aforesaid, excepting for so much as shall have been sold to taverners, innholders or retailers having licence from the sessions as aforesaid, or to any other persons having permit as aforesaid, and so much as shall have been exported out of this province; and if any of said liquors shall have been sold to persons licenced by the sessions, or to persons having permit, said account shall exhibit the names of such licenced person who purchased, and persons having permit, and time when they purchased the same; and the persons accounting shall exhibit a certificate under the hands of the licenced or permitted person purchasing, which shall express the number of gallons, and the kind of the liquors purchased, and the time when the same was purchased, and the name of the town [and] [*or*] county wherein such licenced or permitted person lives, and shall lodge the said certificate with the said collector, or his deputy; and for the quantity of the said liquors mentioned in such certificate, the said collector or his deputy shall not demand any duty, but shall deliver said certificate to the collector of the county wherein such licenced or permitted person[*s*], signing the same, lives; which last-mentioned collector or his deputy shall settle with such licenced or permitted person for the duty aforesaid which may be due from him or her.

Persons having permit as aforesaid, to give an account of liquors by them sent out of the province.

[Sect. 27.] And if any person having permit or licence, as aforesaid, shall ship or export any of the liquors aforesaid out of this province in a quantity not less than twenty-five gallons, and shall produce to such collector, or his deputy, when he comes to settle his account of excise, one of the receipts or bills of lading given therefor by the master of the vessel[l] on board which such liquors shall be shipped (or if it shall be carried out of the province by land, or in small boats, then of the person who is master of the land-carriage or boat), expressing the quantity thereof and the time of their being shipped, and shall lodge such receipt or bill of lading with the collector or his deputy as aforesaid, and at the same time shall swear that such liquors are *bonâ fide* sent, or intended to be sent, out of the province, he or she shall not be held to pay the duty thereon aforesaid.

Persons not having permit, to render an account, &c.

[Sect. 28.] And if any person not having permit or licence shall purchase, for exportation out of this province, any of the liquors aforesaid, in a quantity not less than twenty-five gallons, of a person having permit or licence, the purchaser shall, within ten days after shipping the same, deliver one of the receipts or bills of lading given for such liquors, as aforesaid, to the person of whom he purchased the same as aforesaid, who shall pay such duty to the collector or his deputy; but if the purchaser aforesaid shall deliver such receipt or bill of lading as aforesaid, and it be lodged with the collector or his deputy, then, for the quantity of said liquors mentioned therein, the collector or his deputy shall not demand any duty.

Penalty for masters or others giving certificate without receiving the liquors.

[SECT. 29.] And if the master of any vessel[l], or any other person, shall give such certificate, receipt or bill of lading, without receiving the liquors mentioned therein, or if any person shall procure such certificate, receipt or bill of lading, with design to defraud the government, and shall be thereof convicted, they and each of them shall forfeit and pay the sum of one hundred pounds, two thirds for the use of this government, and the other third for the use of the prosecutor. And if any such certificate, receipt or bill of lading shall be forged, counterfeited or altered, the person forging, counterfeiting or altering shall incur the penalty of one hundred pounds.

Provided, *nevertheless*,—

Proviso.

[SECT. 30.] That the person having permit as aforesaid shall not sell any of the liquors aforesaid in a quantity less than [*fi**]fteen gallons (to be sold and delivered to one person at one time), unless he or she has licence from [*th**]e court of general sessions of the peace, as aforesaid, on pain of incurring the several fines and penalties in the former part of this act, laid upon those persons who sell the liquors aforesaid without licence.

And be it further enacted,

Persons applying for a permit, to give bond.

[SECT. 31.] That every person applying to the collector or his deputy, or to the impost officer or his deputy, for a permit, shall give bond, for the use of this province, with or without sureties, in a sum not exceeding two hundred pounds nor less than twenty pounds, at the discretion of the collector or impost officer, conditioned for the payment of the excise that shall become due according to the account to be exhibited by such person taking such permit; and no person shall have such permit of the collector or impost officer until[l] he has given such bond.

Preamble.

And whereas the importer of the liquors aforesaid, or the person to whom they shall be consigned, may intend the same either for sale or for his or her own private consumption, in which case such importer or consignee is not sufficiently held by any preceeding part of this act to pay the duty or excise aforesaid; wherefore, in order to lay said duty or excise in as equal a manner as may be,—

Be it enacted,

Persons importing liquors for private consumption, &c., to render account thereof to the collector.

[SECT. 32.] That every person that shall bring or import into this province, either by land or water carriage, any of the liquors aforesaid, either for sale or private consumption, shall, within ten days, pay or secure to the collector the duties o[f][r] excise due thereon; and in case of failure herein, and being thereof convicted in any court of record within the same county, shall forfeit and pay a fine not exceeding one hundred pounds nor less than ten pounds, two thirds thereof for the use of this government, and the other third to him or her that shall inform and sue for the same: *provided*, *nevertheless*, such importer or consignee be licenced or permitted, then he shall be held only to report the same to the collector of excise, and at the end of the year shall make out an account expressing the kind and full quantity of the liquors aforesaid, imported or consigned as aforesaid; and when the account is rendered to the collector or his deputy, it shall be upon oath, and such importer or consignee shall pay to the said collector or his deputy, on the liquor or liquors mentioned in said account, the duty of excise aforesaid, deducting ten per cent for ordinary leakage, besides extraordinary; and in case of failure therein, the offender shall pay a fine of four pounds, and treble duty or excise on the quantity so imported or brought in, two thirds of which shall be for the use of the province, the other third for him or them who shall inform and sue for the same.

* Parchment mutilated.

And be it further enacted,

[Sect. 33.] That the collector, or his deputy, shall be and hereby is obliged to grant a permit, under his hand, to every person applying for the same and offering security, on the penalty of two hundred pounds, to and for the use of the person making application; which permit shall be in the form following; viz[t].,— Collectors to grant a permit, on penalty.

You, A. B., of C., in the county of D., are hereby permitted to sell rum and other distilled spirits, and wine, or any of said liquors, within the county of , untill the day of , one thousand seven hundred and , pursuant to an act of this province, made in the sixth year of his majesty's reign, intit[u]led "An Act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges." Dated at C., the day of , 176 . Form of the permit.

A. B., *Collector (or deputy-collector) of excise for the county aforesaid.*

And for such permit the said collector or deputy shall be [i][e]nti-t[u]led to receive twopence, and no more; and the like sum for an entry made with him, and the like sum for a certificate given by him. Fee for a permit.

And be it further enacted,

[Sect. 34.] That the collector of excise, either by himself or his deputy, shall keep an office in each seaport town within his county, wher[e*] he or his deputy shall give his attendance on every Thursday, from nine of the clock in the morning to twelve at noon, to grant permits, to receive entries, give certificates, and perform the ordinary duties of his office. Collector to keep an office in each seaport town, &c.

Provided,—

[Sect. 35.] That in the town of Boston such an office shall be kept and attendance given on every day, Lord's Day only excepted, within the hours aforesaid of each of said days respectively.

Provided, also,—

[Sect. 36.] That the said collector, or his deputy, on application made, shall at any other time grant permits, receive entries and give certificates aforesaid.

And whereas persons not belonging to this province may import the liquors aforesaid, and take permit to dispose of the same, and may go out of the province before the time comes about when persons selling said liquors are held to account with the collector, and by that means may avoid paying the duty upon what has been so disposed of; for preventing whereof,— Preamble.

Be it enacted,

[Sect. 37.] That every person importing the liquors afores[*aid**], and applying to the collector or his deputy for a permit to sell the same, shall give bond to said collector in a sum not exceeding two hundred pounds nor less than twenty pounds, with one surety to be approved of by a justice of the peace, that he will render to the said collector or his deputy an account, on oath, of the kind and full quantity of the liquors aforesaid sold by him, or by any person or persons on his behalf, and that he will pay thereon the duty or excise aforesaid before he leaves the province; and if such person shall refuse to give such bond, the said collector or his deputy shall not be obliged to grant him a permit, anything in this act to the contrary notwithstanding; and if such person shall sell any of the liquors aforesaid without permit, he shall be subject to all the penalties that other persons selling without permit are subject to; or if such person shall give bond as aforesaid, and shall leave the province before such bond be discharged, the collector may bring his action on such bond against the surety, for the recovery of the sum in such bond mentioned, which shall be, one-third for the use of the prosecutor, the other two-thirds for the use of this government. Persons importing liquors as aforesaid, to give bond.

* Parchment mutilated.

Be it further enacted,

Deputy collectors liable to military duties.

[SECT. 38.] That no person shall be exempted [*from a**]ny military duty by means or on account of his being appointed a deputy-collector of the duties or [*exci**]se of spirituous liquors, but shall be liable, to all intents and purposes, to train, and perform every other military duty, as if such person had not been appointed a deputy-collector as aforesaid.

Be it further enacted,

All persons who had permits or license to sell liquors, and shall not renew the same, to account for the duties.

[SECT. 39.] That all persons who took out permits in the preceeding years, and do not renew the same, shall, at the end of the year from and after the twenty-fifth day of March next, and until[l] the twenty-sixth day of March, one thousand seven hundred and sixty-seven, render to the collector or his deputy that shall or may be appointed in the respective counties by v[i][e]rtue of this act, an account, on oath, of all the liquors remaining in their hands and consumed in his, her or their families during the continuance of this act, and pay the duties herein imposed, deducting ten per cent for ordinary leakage, besides extraordinary leakage, upon penalty of twenty pounds, one half to the informer, [*and*] the other half to and for the use of this province.

Be it further enacted,

Collectors of the duties of excise to account for all wine, &c., sold or consumed by them.

[SECT. 40.] That every person that may be appointed collector of the duties aforesaid, who shall import into this province, or shall have [or] receive[*d*], by consignment or otherwise, or shall sell or dispose of any wine, rum or spirits distilled, limes, lem[m]ons or oranges, or shall use or consume the same, such collector shall take, keep and render a like account thereof, upon oath, to the province treasurer (who is hereby impowered to administer the same in the form by this act prescribed), and pay to him the like duties thereon as such person so appointed collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the collector of the duties aforesaid; and that the same be done in like manner and time, and under the like pains and penalties, as by this act in such cases is provided.

Be it further enacted,

How fines, &c., arising by this act, are to be disposed of.

[SECT. 41.] That all fines, penalties and forfeitures arising or accruing by any breach of this act, and not otherwise appropriated, shall be two thirds to his majesty, for the use of this government, and the other third for the use of the prosecutor, to be recovered by action or information in any of his majesty's courts of record. [*Passed February* 21, 1766.

CHAPTER 29.

[*AN ACT FOR**] GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

Preamble.

WE, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the publick debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That from and after the twenty-fourth day of March,

* Parchment mutilated.

one thousand seven hundred and sixty-six, to the twenty-fifth day of March, one thousand seven hundred and sixty-seven, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz[t].,

Rates of impost.

For every pipe of wine of every sort, five shillings.

For every hogshead of rum, containing one hundred gallons, sixteen shillings.

For every hogshead of sugar, fourpence.

For every hogshead of molasses, fourpence.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, fourpence.

—And so, proportionably, for a greater or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings' value, excepting such goods as are imported from Great Britain.

Double impost to be paid for goods imported by the inhabitants of other colonies, &c.

[Sect. 2.] And for any of the above-mentioned liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of said provinces, colonies or islands, there shall be paid by the importers double the impost laid by this act: *provided, always*, that every thing which is the growth or produce of the provinces or colonies aforesaid (tobacco excepted), and all provisions, salt, cotton-wool, bar and pig-iron, mahog[a][o]ny, brazillet[t]o, black-walnut, lignum-vit[ee][æ], red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

Proviso.

And be it further enacted,

Masters of vessels to make report.

[Sect. 3.] That the master of every ship or vessel coming into this province from any other place, shall, within forty-eight hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner of impost that is or shall be appointed by this province, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantities of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he shall forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

To forfeit, in case of breaking bulk.

[Sect. 4.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[Sect. 5.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this

* Parchment mutilated.

province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make entry thereof with [*the commission**]er aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath [*before him in**] the form following; viz[1].,

Oath.

[*Y**]ou, A. B., do swear that the entry of goods and merchandize by you now made, and the value [*thereo**]f annexed, is, *bonâ fide*, according to your best skill and judgment, agre[*e*]able to the price current or [*th**]e market price of said goods. So help you God.

Duties to be paid before landing.

—which oath the commissioner or receiver, appointed in consequence of this act, is hereby [e][*i*]mpowered and directed to administer; and the owners aforesaid shall pay the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

[SECT. 6.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or in any warehouse or other place, but in the daytime only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consigned, then the cask[s] wherein the same are, shall be gauged, at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

Commissioner allowed to give credit.

[SECT. 8.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds; which credit shall be so limited as that he shall settle and ballance his accompts with every person, on or before the twenty-fifth day of March, one thousand seven hundred and sixty-seven, that the said accompts may be produced to this court as soon as may be after; and for all ent[*e*]ries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry to what value soever.

And be it further enacted,

Importer by land-carriage or in small vessels, to make report.

[SECT. 9.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fourth day of March, one thousand seven hundred and sixty-six, and until the twenty-fifth day of March, one thousand seven hundred and sixty-seven, by land-carriage or in small vessels or boats, shall, within twenty-four hours after importation, make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put into any store or place whatsoever, under penalty of ten pounds.

And be it further enacted,

Allowance for leakage.

[SECT. 10.] That every merchant or other person importing any

* Parchment mutilated.

wines into this province, shall be allowed twelve per cent for ordinary leakage, besides extraordinary: *provided* such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that ha[s][*th*] two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for that port, on pain of forfeiting the sum of one hundred pounds.

[Sect. 11.] And if it may be made to appear that any wines imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same has not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered or the duty not paid.

[Sect. 12.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall [and][*or*] may be lawful, for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize, imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of impost in such port, or his order, who is hereby [e][*i*]mpowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

[*And be**] *it further enacted*,

Master liable to be sued.

[Sect. 13.] That the commissioner or receiver of impost, in each [*port, shall be and**][is] hereby [*is*] [e][*i*]mpowered to sue the master of any ship or vessel for the impost or duty of so [*much of the ladi**]ng of any wines, liquors, goods, wares or merchandize imported therein according to the [*manifest to be**] by him given upon oath, aforesaid, as shall remain not entered, and the duty of impost therefor [*not p**]aid, or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ship, &c., liable to be taken in execution.

[Sect. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid,

* Parchment mutilated.

or for which the duty of impost has not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy the said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby [e][*i*]mpowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto the owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel, outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store to be allowed.

[SECT. 16.] And the commissioner or receiver of impost is hereby [e][*i*]mpowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

Preamble.

And for the more effectual preventing any wines, rum or other distilled spirits being brought into the province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost,—

Be it enacted,

Commissioner to appoint deputies in places where wines, rum, &c., may be brought out of other governments.

[SECT. 17.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby [e][*i*]mpowered and enjoined to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are [e][*i*]mpowered also to search, in all suspected places, for such wines, rum or other distilled spirits, or for tea, brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided.

And be it further enacted,

Commissioner or deputy empowered to administer the oaths, and to search and seize.

[SECT. 18.] That the commissioner or his deputies shall have power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

[*And**] *be it further enacted*,

Tonnage of shipping.

[Sect. 19.] That there shall be paid, by the master of every ship or other vessel, [*coming into**] any port or ports of this province, to trade or traffic[*k*], whereof all the owners are not belonging to this province [(*ex**]cepting such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jersey, Connecticut, New York, New Hampshire, Rhode Island and Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the governments aforesaid, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

Vessels to be measured, if suspected.

[Sect. 20.] And the said commissioner is hereby [e][*i*]mpowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessel, before she shall be cleared, in case she shall appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

Drawback for wine, rum, and tea allowed, in case.

[Sect. 21.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which shall have been paid agre[*e*]able to this act, shall be reshipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wines or rum or tea shall make oath at the time of the shipping, before the receiver of impost, or his deputy, that the whole of the wine or rum or tea so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall after-[†wards produce a certificate, from some officer of the customs, that the same has been landed out of this government, or the master of the vessel in which the same shall be exported shall make oath, before the commissioner or his deputy, that the same has been landed and left in some port out of the government, and the exporter, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines, rum or tea hath been relanded in this province,—such exporter shall be allowed a drawback from the receiver of impost as follows; viz.,—

For every pipe of wine, four shillings.

For every hogshead of rum, fifteen shillings.

And for every pound of tea, fourpence.

Provided, *always*,—

Proviso.

[Sect. 22.] That if, after the shipping of such wines or rum or tea, to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum or tea so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so relanded and brought again into this province, shall be forfeited, and may be seized by the commissioner aforesaid, or his deputy.

* Parchment mutilated.

† The words, in brackets, between the daggers, have been cut from the parchment.

And be it further enacted,

Appointment and duty of the commissioner.

[SECT. 23.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatever relates thereunto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and tunnage of shipping, as aforesaid, that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and tunnage arising on said vessel may appear; and the same to lie open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his h†]ands, as the treasurer or receiver-general shall demand it. And the said com[*mission**]er or receiver and his deputy or deputies, before their entering upon the execution [*of**] their said office, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon, until one in the afternoon.

[SECT. 24.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary, for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment[s] of such salary or salaries as aforesaid, to himself and his deputies.

And be it further enacted,

Disposition of forfeitures.

[SECT. 25.] That all penalties, fines and forfeitures accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

Charges of prosecution, how to be paid, in case.

[SECT. 26.] That from and after the commencement of this act, in all causes wherein any claimant shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed February* 21, 1766.

† The words, in brackets, between the daggers have been cut from the parchment.
* Parchment mutilated.

CHAPTER 30.

[*An**] ACT FOR AMENDING OF AN ACT MADE IN THE FIFTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITULED "AN ACT TO [*PREVENT THE DESTRUCTION O**]F SALMON AND OTHER FISH, IN MERRIMACK RIVER, WITHIN THIS PROVINCE."

Preamble. 1764-65, chap. 24, § 3.

Whereas, in and by an act intitled "An Act to prevent the destruction of salmon and other fish [*i**]n Merrimack River, within this province," which act was to take place from and after the fifteenth day of March, 1765, it is, among other things, enacted "That no person or persons, from and after the said fifteenth day of March, shall, at any time during the continuance of this act, catch any salmon, shad or alewives, with seines, netts or potts, at the mouth or entrance of any such river or stream, or within one hundred rods of the same, nor in any of the ponds aforesaid, nor in any of the brooks or riv[u]lets that run into the said ponds, on pain of forfeiting, for each offence, the sum of three pounds"; which distance of one hundred rods is found, by experience, to be very prejudicial to the inhabitants dwelling near Merrimack River, and does not tend to the preservation and increase of said fish; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Places and distance for fishing, described.

[Sect. 1.] That the prohibition to take fish, within one hundred rods in said act mentioned, shall hereafter extend only to the fishing within twenty rods; and that by "the rivers and streams" run[*n*]ing "into Merrimack River," Concord River excepted, shall be construed and understood only such as issue out of ponds where the fish usually go to cast their spawns.

Preamble.

And whereas no person or persons whatsoever, are, by the said act, allowed to catch such fish "in any part of Merrimack River within this province, or in any of the rivers and streams run[*n*]ing into Merrimack River, oftner than [*t**]hree days in the week, the days to be Tuesday, Wednesday and Thursday, every week,"—

Be it further enacted,

Time for fishing, described.

[Sect. 2.] That the time to begin the fishery shall commence at sunset, [*on Mon**]day evening, and end at sunset, on Thursday evening, every week.

Continuation.

[Sect. 3.] This act to continue and be in force for the space of two years from the publication of the act aforesaid, and no longer. [*Passed February* 21, 1766.

CHAPTER 31.

AN ACT FOR DIVIDING THE DISTRICT OF SOUTH BRIMFIELD, IN THE COUNTY OF HAMPSHIRE, INTO TWO SEPARATE PARISHES.

Preamble.

Whereas the dividing the district of South Brimfield, in the county of [*Hampshir**]e, into two parishes, would serve very much to remove many difficulties and inconveniences which the inhabi[*tant**]s of the said district at present labour under,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of west and east parish in South Brimfield.

[Sect. 1.] That the district of South Brimfield aforesaid be divided into two separate parishes, in manner following; viz[1]., the dividing

* Parchment mutilated.

line shall be made by the road called the South Meadow road, begin-[n]ing at the colony line where said road crosses the said line, and to extend northward, in said road, to the north line of said district, or to Brimfield south line (including and taking into the west division, Joseph Blodget and Joseph Blodget, jun'r, and their home lots, they living on the east side of said road); and that the lands lying in the said district of South Brimfield, westward of the above dividing line, be and hereby are made a parish, by the name of the west parish, in the district of South Brimfield aforesaid; and that the inhabitants westward of the said dividing line above described be and hereby are invested with all the powers and privile[d]ges, and subjected to all the duties, that parishes in this province, by law, are invested with and subjected to; and that the lands lying in said district of South Brimfield, eastward of the above dividing line, be and hereby are made a separate parish, by the name of the east parish, in the district of South Brimfield; and that the inhabitants of the said lands, eastward of the said dividing line above described, be and hereby are invested with all the powers and privile[d]ges, and subjected to all the duties, that parishes in this province, by law, are invested with and subjected to.

And be it further enacted,

West parish exempted from paying towards building the meeting-house in east parish.

[SECT. 2.] That all the inhabitants of the lands which, by this act, are made the west parish, be and hereby are, and shall forever hereafter be, exempted from paying or contri[*buting**] any part toward the charges that have already arisen, or may hereafter arise, by reason of the building the new [*meeting**]-house, which has lately been erected on the lands, by this act, made the east parish, in said district, and from the [*charge of**] settling and supporting the ministry in the said east parish.

And be it further enacted,

Annual meetings to be held alternately.

[SECT. 3.] That the annual March meetings, to be [*held in**] said district, for the future, shall be alternately held in the said east and west parishes.

And be it further enacted,

First meeting of each parish, how notified.

[SECT. 4.] That Daniel Burt, Esq[r]., be and hereby is [*imp**]owered to issue warrants, directed to some principal inhabitant of each parish, requiring them to warn the inhabitants [*of s**]aid parishes, qualified to vote in parish affairs, to meet at such time and place as shall be therein set forth, to choose all [*s**]uch officers as shall be necessary to manage the affairs of said parishes. [*Passed February* 21, 1766.

CHAPTER 32.

AN ACT FOR FURTHER LIMITING THE OPERATION OF AN ACT MADE IN THE SECOND YEAR OF HIS PRESENT [*MAJEST**]Y'S REIGN, INTIT[U]LED "AN ACT FOR GRANTING SEVERAL BOUNTIES UPON WHEAT AND FLOUR."

Preamble. 1761-62, chap. 29.

WHEREAS the act intit[u]led "An Act for granting several bounties upon wheat and flour," made and passed in the second year of his present majesty's reign, was, in the enacting thereof, declared to be in force for the term of five years, from the first day of July, one thousand seven hundred and sixty-three; but inasmuch as the said act hath been, by experience, found to be unequal, and not to have answered the good intent thereof,—

* Parchment mutilated.

Be it therefore enacted by the Governor, Council and House of Representatives,

That the act aforesaid shall continue and remain in force for the term of four years, only, from the said first day of July, one thousand seven hundred and sixty-three, and no longer, and that every clause and paragraph thereof shall then expire and cease; and that no bounty shall be paid, by virtue of [the] said act, upon any wheat that shall be sowed after the twentieth day of April, this present year, one thousand seven hundred and sixty-six, or upon any flour that shall be made of wheat, sowed after the said twentieth day of April, anything in the act aforesaid to the contrary notwithstanding. [*Passed February* 21, 1766.

Continuance of the act further limited.

CHAPTER 33.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, AND NEAR EXPIRING.

Whereas the several acts hereinafter mentioned, which are now expired or [*near expi**]ring, have been found useful and beneficial; viz[:]., one act made in the twenty-eighth year of his late majesty King [*George t**]he Second, intituled "An Act to prevent damage being done on the beach, humocks and meadows belonging to the town of [*Scit**]uate, lying between the southerly end of the Third Cliff, so called, and the mouth of the North River;" one act made in the first year of his present majesty's reign, intit[*u*]led "An Act further impowering the courts of general sessions of the peace, in this province, to grant licen[s][*c*]es in certain cases, and thereby to prevent unnecessary petitions to the general court;" two acts made in the fourth year of the same reign, one intit[u]led "An Act to enable the collectors of taxes, in the town of Boston, to sue for and recover the rates and taxes given them to collect in certain cases;" the other, intituled "An Act in further addition to the acts or laws of this province, relating to common fields, to extend only to the county of Hampshire;" one act made in the fifth year of the same reign, intit[*u*]led "An Act for preventing the unnecessary destruction of alewives, and other fish, within this province,"—

Acts continued.

Act to prevent damage on Scituate beach. 1755-56, ch. 9.

Courts of sessions to grant licenses. 1761-62, ch. 14.

Collectors of taxes in the town of Boston, empowered. 1763-64, ch. 18.

Common fields in Hampshire County, regulated. 1763-64, ch. 22.

Destruction of alewives. 1764-65, ch. 31.

Be it therefore enacted by the Governor, Council and House of Representatives,

That such of the beforementioned acts as are expired, be revived, and such of the said acts as are not yet expired, be continued, with all and every article, clause, matter and thing therein respectively contained, and shall be in force until the first day of July, one thousand seven hundred and seventy, and no longer. [*Passed February* 21, 1766.

Continuation.

Notes.—All the acts of this year were printed: chapter 18, separately; and the engrossments of all the acts are preserved, except of the first ten chapters, and chapters 14, 18, 19, 20, 21, 22, and a private act, the title of which is as follows:—

"An Act impowering Peter Hallet to make and execute a Deed of Exchange with Stephen Hallet of certain Lands lying in Yarmouth in the County of Barnstable."—[*Passed June* 12; *published June* 25, 1765.

The acts of the first session were certified for transmission, July 10, 1765. They were delivered to the clerk of the Privy Council, in waiting, September 17, and referred to the committee on plantation affairs, October 2, and, the next day, referred, by them, to the Lords of Trade. They were received by the Lords of Trade, October 8, read October 29, and immediately referred to Sir Matthew Lamb, whose report, dated June 30, 1766, was read at the Board, February 6, 1767. Three days later, the draught of a representation to the committee of the Privy Council, on plantation affairs, was ordered to be prepared. The report of April 16, 1767 (*vide infra*), includes the acts of this session.

The acts of the second session were delivered to the clerk of the Privy Council,

* Parchment mutilated.

in waiting, March 11, 1766; but no certificate for transmission has been found. They were referred, March 21, to the committee on plantation affairs, and, by them, on the next day, to the Lords of Trade. They were received by the Lords of Trade, March 27, and, on the 16th of April, were read, and ordered to be sent to Sir Matthew Lamb, for his opinion thereon. On the 29th of October, 1766, Sir Matthew Lamb reported that he had no objection to any of them, in point of law. The report of the Lords of Trade, of April 16, 1767, includes the acts of this session.—See note to chapter 23, *post*.

The acts of the third session were certified for transmission, March 20, 1766, delivered to the clerk of the Privy Council, in waiting, May 29, referred to the committee on plantation affairs, June 18, and, by them, referred to the Lords of Trade on the 8th of July. They were received by the Lords of Trade, August 13; and were read, and ordered to be sent to Sir Matthew Lamb, for his opinion thereupon, August 30, 1765. Sir Matthew Lamb's report upon the acts of this session is dated February 16, 1767, and states that he has no objection, in point of law. This report was read, together with the acts of the third session, March 19, 1767; but nothing further appears to have been done with any of the acts of this year.

Chap. 1. "The next transaction of this kind was concerning the appointment of my Salary I acquainted Your Lordships last year that an opposition was made to the usual grant to the Governor upon this principle, that as the Parliament was *about* to tax the American Colonies, they ought also to provide for the expence of their Government This year the same Gentleman made the like objection to the Grant to the Governor but with additional force that the Parliament *had* actually taxed the American Colonies and that private advices from London assured that it was *intended* to pay the support of the Governments out of the produce of the Parliamentary Tax. To this it was answered that supposing there was such an intention, the Parliamentary Tax had not yet commenced and it would be at least a year from that time before it brought in any money to the King's Treasury and therefore it could be no argument for not supporting the Gov[r] in the mean time. Upon this the opponent withdrew his objection, owned he was too early in making it and declared his intention of enforcing it next year. I expect that before that time the necessity of the Government at home taking into their hands the appointment of the Civil Lists of the American Governments will become more and more apparent."—*Gov. Bernard to Lords of Trade, July* 8, 1765: "*Mass. Bay, B. T.*," *vol.* 78, *L. l.*, 84, *in Public-Record Office.*

"Having received a letter from Francis Bernard Esq[re] Your Majesty's Gov[r] of the Massachusetts Bay, wherein, amongst other matters, he acquaints us, that an opposition had been made in the General Court of that Province to the usual Grant to the Governor upon this principle, that as the Parliament had taxed the American Colonies they ought also to provide for the expence of their Government, which though withdrawn at that time, was declared to be intended to be inforced the next Year. We lose no time in representing this Transaction to Your Majesty, as stated to us by M[r] Bernard and at the same time humbly lay before Your Majesty an Extract of so much of the Governor's letter as relates thereunto.

Upon this occasion both in justice to the merits of M[r] Bernard and in consideration of the advantages which we conceive would accrue to the public service from rendering the Governors independent of the Legislature of the respective Colonies, over which they are in command, we humbly submit it to Your Majesty, whether in the present circumstances of the Province of the Massachusetts Bay, it will not be advisable that such a fixt and permanent appointment or salary should be allowed to Your Majesty's Governor thereof as shall be sufficient for his support in the execution of his Office, without the precarious Grant of the General Court, by which Provision his own situation may be rendered more respectable and independent and he be better enabled to carry into execution any future Measures for Your Majesty's Service."—*Representation of the Lords of Trade, to the King, Sept.* 27, 1765: *ibid., vol.* 86, *p.* 190.

Chap. 2. "I have before explained the necessity and reasonableness of the principal Act. This additional one is calculated to improve the provisions and extend the equity of the former. By this Act, where a Creditor has made a partial attachment of Goods, he has his option whether he will adhere to his attachment, or take his share in a general dividend: if he chooses the latter, he must bring in the attached goods to the common fund. This is Equity, and will help to do justice to foreign Creditors, who stand no chance in a general scramble."—*Gov. Bernard to Lords of Trade, July* 15, 1765: "*Mass. Bay, B. T.*," *vol.* 78, *L. l.*, 85.

See, also, notes to 1764–65, chap. 35, *ante*, and 1766–67, chap. 5, and 1769–70, chap. 10, *post*.

Chap. 3. "June 11, 1760. A Petition of Abraham Hill, and John Caldwell, Proprietors of the common and Undivided Lands, in Pequoiag, so called in the County of Worcester—Setting forth, that the said place called Pequoiag hath been Settled upwards of Twenty Years, hath at this time near Fifty Families, and have had a Minister Settled about ten Years. That from the beginning of the Settlement till about two Years ago Joseph Lord Esq[r] acted as Proprietors Clerk, and kept all the Records and Proceedings of said Propriety, All the Grants, Surveys, and layings out of lands within the same, he was the Treasurer, the greater part of the Time, and received all the Moneys collected by Taxes, or for Sales of Delinquent Proprietors Land, and is probably supposed to be largely in Arrear to them on that Account—That in June 1758 a new Treasurer, and a new Clark were Chosen, and the said Joseph Lord refusing to deliver up, the Books and Papers of the Propriety,

An Action was commenced against him therefor and at the Inferior Court held at Worcester, in November last, The Proprietors recovered Judgment for the said Books and Papers to be delivered to them or in default thereof Execution to Issue for the sum of One Thousand Pounds lawfull money—But before the said Judgment was rendered the said Joseph Lord absconded, and hath ever since been out of this Province hath never delivered up the said Books and Papers, but keeps the same, nor hath left Estate to a quarter part of the Damage recovered. Thus the Petitioners are deprived of their Records, and those who held their Several Possessions, or Original Proprietors or have purchased the Lands of delinquent Proprietors, left without their proper and needfull Proofs, and are in the utmost danger of runing into total Confusion. The Petitioners Therefore pray for direction and Relief, in a Case so singular Circumstanced. In the House of Representatives, Read and Ordered, That the Prayer of the Petition be so far granted as that the Petitioner be allowed to bring in a Bill for the purposes mentioned. In Council Read and Concurred. In Council Read and Reconsidered, and Nonconcurred and Resolved that the present Clerk of the said Proprietors the Revd Mr Abraham Hill, be and hereby is directed to make a New Book of the Records of said Proprietors during the time that the said Joseph Lord was Proprietors Clerk, from the Minits that may Appear of Transactions in that time and from the Remembrance of the Proprietors, and after he hath finished the same, that he lay it before the said Proprietors at some proper Meeting for that purpose warned, and then that he do lay the same before this Court, to the end, this Court may then determine whether it shall be established as the Records of the said Propriety. In the House of Representatives; Read and Concurred Consented to by the Lieutenant Governor."—*Council Records, vol. XXIII., p.* 423.

"June 18, 1760. On the Petition of Abraham Hill, and John Caldwill Committee for the Proprietors of the Common and Undivided lands in Pequoig (so Called) in the County of Worcester as entered the 11th day of June Instant—In Council Read and Reconsidered and Nonconcurred, and Resolved that the present Clerk of the said Proprietors, the Revd Mr Abraham Hill be, and hereby is directed to make a New Book of the Records of said Proprietors, during the time that the said Joseph Lord was Proprietors Clerk, from the Minits that may Appear of Transactions in that time, and from Remembrance of the Proprietors, and after he hath finished the same that he lay it before the said Proprietors, at some proper Meeting for that purpose warned, and then that he do lay the same before this Court—To the end this Court may then determine whether it shall be established as the Records of the said Proprietors. In the House of Representatives; Read and Concurred Consented to by the Lieutenant Governor."—*Ibid., p.* 456.

"June 3, 1763. A Petition of Nathan Goddard and John Haven a Committee of the Proprietors of Athol (formerly Pequoige) in the County of Worcester. Setting forth that the General Court in June 1760 directed the Revd Mr Abraham Hill their Clerk to make a Book of records from such Minutes as might appear: but that few Minutes, and those very imperfect, could be found: whereupon a Committee Chosen by the Proprietors in Octr 1760. obtained a plan of said Township from the best helps that were to be had, which has been accepted by them. And Praying that the same and the records they have collected may be established. In the House of Representatives Read and Ordered That Capn Willard, Colo Prescott & Colo Noyes with such as the honble Board shall appoint be a Committee to take this Petition under consideration and make report. In Council Read and Concurred and John Hill and Timo Paine Esqrs are joined in the Affair."—*Ibid., vol. XXV., p.* 29.

"June 9, 1763. Upon the Report of a Committee appointed the 3d Inst on the Petition of Nathan Goddard and John Haven a Committee of the proprietors of Athol the following Order passed the two Houses. vizt

In Council the committee abovementioned having made report. Ordered that the same be accepted: and that the Petitioners serve the Revd Mr Abraham Hill, late Clerk of the Proprietors of Athol with a Copy of this Petition that he shew Cause (if any he hath) on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted. In the House of Representatives Read and Concurred."—*Ibid., p.* 44.

"Dec. 30, 1763. The following Order passed on the Petition of the Proprietors of Athol as entered the of June last vizt In Council Read again together with the answer of the Reverend Abraham Hill. And Ordered That John Erving & Timothy Paine Esqrs with Such as the honble House shall join be a Committee to take the Petition and Answer under consideration and make report. In the House of Representatives Read and Concurred and Capt Howard, Colo Buckminster and Mr Saunders are joined in the Affair."—*Ibid., p.* 107.

"Jan. 6, 1764. The following Order passed on the Petition of Nathan Goddard and Others a Committee of the Proprietors of Athol as entered the 3d of June last, and in consequence of a report of a Committee appointed thereon the 30th of Decr last vizt

In Council Read and Accepted. And Ordered that the Petition of Nathan Goddard and John Haven a Committee of the Town of Athol be dismissed. And that the Revd Mr Abraham Hill with the assistance of Nathan Goddard and under the inspection of Charles Baker, Surveyor, be directed to compleat the Book of Records of the Proprietors of Athol agreeable to the Order of the General Court in June 1760. and lay the same before the said Proprietors and likewise before the General Court for their approbation by the First of June next.

In the House of Representatives Read and Concurred Consented."—*Ibid., p.* 119.

"June 6, 1765. A Petition of Nathan Goddard and John Haven a Committee of the proprietors of Athol—Setting forth That the General Court in January 1764 passed an order That the Revd Mr Abraham Hill with the assistance of Nathan God-

dard and under the inspection of Capt Charles Baker, be directed to compleat the Book of Records of the proprietors of Athol agreable to the order of the General Court in June 1760; but that the time limited in the order of Court is expired, and the Records not compleated. And praying that the said Book of Records in the hands of Nathan Goddard, the present Clerk of the proprietors may be established together with the transactions of the Meetings Recorded in their Book in the hands of the Revd Mr Hill their former Clerk as the only Records of the said propriety.

In the House of Representatives, Read and Ordered, that Colo Clap, Colo Prescot, and Colo Nichols with such as the Honble Board shall join be a Committee to consider this petition and Report. In Council, Read and Concurred, and Isaac Royall and James Otis Esqrs are joined in the affair."—*Ibid*, *vol. XXVI.*, *p.* 14.

"June 8, 1765. The following Order passed on the petition of Nathan Goddard and John Haven, a Committee of the proprietors of Athol as entered the 6th Inst—

In Council. The Committee abovementioned having made Report, and the same being accepted, thereupon Ordered That the petitioners have leave to bring in a Bill for the purposes therein mentioned. In the House of Representatives, Read and Concurred."—*Ibid.*, *p.* 18.

Chap. 4. See notes to 1761–62, chapters 3 and 48; 1762–63, chap. 10; 1763-64, chap. 13; and 1764-65, chap. 4.

Chap. 6. "July 2, 1740. William Dudley Esqr from the Committee of both Houses on the petition of Jeremiah Fuller and others of Stoughton gave in the following Report, viz^{t}

The Committee to whom was referr'd the Petition of Joseph Hewens Junr Jeremiah Fuller and William Richards of Stoughton, praying that the Westerly Part of Stoughton according to Bounds mentioned therein may be erected into a Separate Township or Precinct for reasons therein given, are of Opinion that the Prayer of the Petition be so far granted as that the Westerly Part of Stoughton be erected into a Separate Precinct according to the Bounds hereafter described, viz^{t} Beginning at the Town Line on the North West side where Trap Hole Brook cometh into the Town, and down said Brook until it cometh to the Line between the Lots of Land Number Fifteen and Sixteen; and thence South Eastward in said Line until it comes to the North East Corner of the Eighteenth Lot; thence on the Westerly side of Birds Land whereon Daniel Richards and Isaac Comming liveth; and continuing the same course on the North Westerly side or Line of the Fourteenth Lot, on which William Richards liveth, unto Pigeon Swamp, and by the South Easterly side thereof, so far as to include Abiel Birds lot, and then in the Westerly Line of the Eighth Lot, unto the South West Corner thereof and the North Corner of the Twenty fourth Lot, and thence in the Line between the two last mentioned Lots to the Mashapoag Brook at the corner of the Tenth Lot, and continuing in the South Line of the Tenth Lot and the Thirty fifth Lot, & continuing the same course between the Thirty Eighth and Fortieth Lots unto the High Way leading from Stoughton to Easton and thence in the said way until it comes to the North Westerly End Line of the Lots Number Twenty six & Twenty Seven near Dry Pond, and in the said Line to the Corner thereof in or near said Pond; and thence in the Westerly Line of said Lots strait to the South Easterly Side Line of the Town: This to be the Dividing Line or Bounds between this Precinct and the remaining Precinct or Part of the Town: And that all the lands and Inhabitants thereon Westerly to that part heretofore set off to Wrentham, be a Separate and distinct Precinct and have the Priviledges and Powers of other Precincts. And whereas the High Way above mentioned may cross some Lots, leaving the Dwelling houses on one side and part of the Lots on the other side, the Committee are of Opinion that the side whereon the Houses are have the whole Lots rateable to that Precinct, except the Twenty Sixth and Twenty Seventh Lots.

All Which is humbly submitted by WILLIAM DUDLEY.

In Council; Read and Ordered that this Report be accepted, and that the lands therein described together with the Inhabitants thereon, be erected into a Separate Precinct, and are hereby vested with the powers and Privileges which other Precincts within this Province do or by law ought to enjoy.

In the House of Representves Read and Concur'd. Consented to J: Belcher."—*Council Records, vol. XVII., book* 2, *p.* 360.

"Feb. 18, 1762. A Petition of Joseph Hewins in behalf of the Second and Third Precincts in the Town of Stoughton, Praying that the Report of a Committee of the said Precincts settling the Line between them and accepted by each Precinct may be confirmed; which report and Settlement is as follows viz^{t}

We the Subscribers being chosen a Committee by the second Precinct in the Town of Stoughton at their meeting legally assembled and held in said Precinct upon the 13th day of October 1760. to meet a Committee of the third Precinct in said Town in order to consult mutually whether any part or parcell of the Lands or Inhabitants now belonging to the said Second Precinct should be annexed to the third Precinct in said Town for the future, or whether the former established Bounds between the respective Precincts should still remain &c^{a} have accordingly attended the said Service and have met with the Committee chosen in the third Precinct for the same purpose, and with them viewed the Situation of each of the said Precincts, and the Committees have mutually agreed and consented to report the following Line to be the established bounds between the said Second Precinct and the said third Precinct for the future forever hereafter viz^{t} beginning at the Northwesterly corner of the said third Precinct at the Road called Taunton Road, and so proceeding Southerly as the said Road is now laid out and confirmed (partly by the said Town of Stoughton and partly by his Majesty's Court of Ses-

sions for the County of Suffolk) until it comes to the Line of the Town of Easton, We are of opinion shall be the general Bounds between the said Precincts with these exceptions namely That the Dwellings and Home Lotts belonging to Jonathan Jordan, Joseph Smith and Samuel Brackett shall remain to the third Precinct as heretofore, notwithstanding the aforesaid general Bounds. And Whereas the Road abovementioned crosses some Lots, leaving the Dwelling Houses on one side, and parts of the Lots on the other, The said Committees are of opinion that the side whereon the Houses are, have the whole Lots rateable to that Precinct and to be esteemed as a part thereof. And those that shall hereafter build Houses on any of the Lots that cross the aforesaid Road, they that build on the Westerly side thereof with their Lots shall be rateable to the second Precinct, and they that build on the Easterly side thereof with their Lots shall be rateable to the said Third Precinct, excluding all seperate Lots belonging to the Owners of the Lots crossing the aforesaid Road which the Comtees are of opinion shall belong to the Precincts in which they are. All which is humbly submitted.

Daniel Richards } Comtee of the 2d Precinct. Clifford Belcher } Hezekiah Gay } Comtee of the 3d Precinct. Robt Swan }

In the House of Representatives, In Answer to the Petition of Joseph Hewins in behalf of the second and third Precincts of Stoughton, Resolved That the Report of this Agreement of the said Precincts be, and it is hereby ratifyed and confirmed to all intents and purposes whatsoever. In Council Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXIV., p. 272.*

Chap. 9. "This is an Annual Act, the nature of which I have before explained to Your Lordships. The General Court reduces their debt by 50,000 pounds evry year, and as they are obliged conformably to the Act of Parliament to confine their bills of Credit within 2 years, they annually borrow a sum less by £50,000 than what will be due at the end of the year, by which the whole debt appears on the face of the Bill and is evry year £50,000 less than the former. What is remarkable in this bill is that the intrest is reduced from 6 to 5 pr. ct: this was done by a public subscription and is a striking instance of the credit of the Government, if not of the riches of the people, Indeed the finances of this Government are extremely well conducted."—*Gov. Bernard to Lords of Trade, July* 15, 1765: "*Mass. Bay, B. T.,*" *vol.* 78, *L. l.*, 85.

Chap. 13. "Dec. 5, 1735. A Petition of Ebenezer Hunt and others who were Officers and Soldiers (or their Descendants) in the Expedition against Canada under the Command of Cpt. Ephraim Hunt Decd in the year 1690, Praying for a Grant of Land for a Township in consideration of their hardships & suffering in the said Expedition.

In the House of Representvcs Read & in answer to this Petition

Voted that the Prayer of the Petition be granted; & that together with such as shall be joined by the Honble Board be a Committee, at the Charge of the Governmt to lay out a Township of the Contents of six miles square in some suitable Place Westward of Deerfield in the County of Hampshire; & that they return a Plat thereof to this Court within twelve months for confirmation;——And for the more effectual bringing forward the settlemt of the said new Town; Ordered that the said Town be laid out into sixty three equal shares; one of which to be for the first settled Minister, one for the Ministry & one for the School; & that on each of the other sixty shares the Petitioners do within three years from the confirmation of the Plan have settled one good family, who shall have a House built on the Home Lot of eighteen feet square & seven feet stud at the least & finished; that each Right or Grant have six Acres of Land brought to & plowed or brought to English Grass or fitted for mowing; that they settle a learned orthodox Minister, & build & finish a convenient Meeting house for the publick Worship of God; & that each Settler give Bond to the Province Treasurer of Twenty Pounds for fulfilling the conditions of this Grant, Provided that in case any of the Lots are not duly settled in all regards as aforesaid, then such Lot with the Rights thereof do revert to & be at the disposition of the Province.

In Council; Read and Concur'd: Consented to, J Belcher."—*Council Records, vol. XVI., p. 223.*

"Jan. 6, 1735. On the Petition of Ebenezer Hunt & others, Enter'd Decemr 5 1735.

In the House of Representvcs Read and Voted that Mr Speaker Quincy & Cpt. Adam Cushing with such as the Honble Board shall appoint be a Committee to lay out the Township granted to Ebenezer Hunt & others Officers & Soldiers in the Canada Expedition Anno 1690, as enter'd the third ult. to all Intents and Purposes, & in manner & form agreable to the Vote for granting said Township.

In Council; Read and Concur'd, and Edmund Quincy Esqr is joined in the Affair. —Consented to, J Belcher."—*Ibid., p. 261.*

"Dec. 24. 1736. A Petition of Edmund Quincy Esqr & others a Committee for laying out a Township granted to the Canada Soldiers under the Command of Cpt. Ephraim Hunt Decd Shewing that they have laid out said Township on the West side of Deerfield, since which the Proprietrs of Deerfield have set out their Westerly bounds including an additional Grant made to them about twenty years since; by which one third part of the best of the Land is taken off from this new Township (the Plat of which has been confirmed by this Court,) And therefore Praying that the Proprietors of Deerfield may be directed to return a Plat of their Township, or of the sd additional Grant, or at least of the Westerly Bounds thereof to this Court that so Justice may be done to all Parties or that the petitionrs may be otherwise relieved.

In the House of Represent^ves Read & Ordered that the memoliasts forthwith serve the Town of Deerfield with a Copy of the Memorial that they be & hereby are directed to lay before this Court a correct Plat of their additional Grant, therein marking out the true Westerly Bounds of said Township, that so this Court may further consider this Memorial for their further Order.

In Council; Read & Concur'd; Consented to, J BELCHER."—*Ibid.*, *p.* 400.

"Jan. 19, 1736. A Plat of the Township granted to the Company under the Command of Cpt. Ephraim Hunt, laid out by Nath^l Kellog Survey^r & Chainmen on Oath, bounded East on Deerfield West Bounds, on all other sides on Province Lands. Beginning at a stake & stones in Deerfield West Line; thence running North 22 Deg. East, Two thousand two hundred & forty perch to Deerfield River; thence West 17 Deg. North seventeen hundred & thirty perch; then South 32 Deg. West, Twenty-one hundred & thirty perch; then East 22 Deg. South, seventeen hundred perch to the first station.

In the House of Represent^ves Read & Ordered that the Plat be accepted, & the Lands therein delineated & described be & hereby are confirmed to the Officers & Soldiers of the Company in the Canada Expedition Anno 1690, under the Command of the late Cpt. Ephraim Hunt Dec^d & to the Heirs legal Represent^ves & Descendants of such of them as are since deceased & to their Heirs and Assigns forever, they fulfilling & performing the Conditions of the Grant, Provided it exceeds not the quantity of six miles square of Land, & does not interfere with any former Grant.

In Council; Read & Concur'd;—Consented to, J BELCHER."—*Ibid.*, *p.* 425.

"Jan. 25, 1763. A Petition of Nathaniel Kellog and Obadiah Dickinson a Committee of the Proprietors of Hunts Town—Setting forth, That in the year 1736 the General Court made a Grant of a Tract of Land of 6 miles square to the Officers and Soldiers in the Canada Expedition in the year 1690 of Cap^t Ephraim Hunts Company, a Plan of which was returned to the Court and by them accepted 19^th Dec^r 1736. That no Plan or Bounds of the Town of Deerfield had then been accepted and settled by the Court, but that afterwards in 1741 the Inhabitants of said Town presented a Plan which was accepted by the Court with the usual provisoes, which Plan running in upon the Plan aforesaid of Hunts Town and cutting off several thousand acres therefrom, the Proprietors in the year 1742, petitioned the Court for an Equivalent, and a Grant passed the two Houses for an Equivalent in land to be laid out West of and adjoining to said Hunts Town; but by some accident did not pass the Chair. And Praying that a Committee may now be appointed to ascertain the Bounds of Deerfield and of Hunts Town according to their original Grants.

In the House of Representatives Ordered That this Petition be so far granted as that John Worthington, Joseph Hawley and Benjamin Day Esq^s be a Committee who are hereby fully authorized & impowered to repair to the Town of Deerfield and Hunts Town, so called, and run the Lines and ascertain the Bounds of said Towns according to their several original Grants and especially run and fix the dividing line between the said Towns in order to put an end to all disputes between them relative to their bounds, and make report of their Doings to this Court at their next May Session, the Charge of said Committee to be borne as this Court shall hereafter order.

In Council Read and Nonconcurred and Ordered That the Petitioners notify the Town of Deerfield by serving the Town Clerk with a copy of this Petition that they shew cause (if any they have) on the second Wednesday of the next Sitting of this Court why the prayer thereof should not be granted. In the House of Representatives; Read and Concurred."—*Ibid.*, *vol. XXIV.*, *p.* 515.

"Jan. 26, 1763. A Memorial of Nathaniel Kellog and Obadiah Dickinson, in behalf of themselves and Others Proprietors of Hunts Town, Setting forth, That the Town of Deerfield, have set up marks and Monuments as Boundaries of the said Town including more than six thousand Acres of Province Land. And that the certain Limits of Hunts Town will remain unknown till the Bounds and Limits of Deerfield are ascertained, to evince all which they are ready to attend and give all the information they can in the premisses.

In Council Read and Ordered that William Brattle Esquire with such as the honorable House shall join be a Committee to hear the Petitioners as also the Representative of Deerfield (if he sees fit to attend them) and report what they judge proper for this Court to do therein. In the House of Representatives; Read and Concurred and Col^o Clap and Col^o Buckminster are joined in the Affair."—*Ibid.*, *p.* 521.

"Jan. 27, 1763. Upon the Memorial of Nathaniel Kellog and Obadiah Dickinson as entered yesterday, Ordered That James Otis Esq^r be of this Committee in the room of William Brattle Esq^r who is absent. In the House of Representatives Read and Concurred."—*Ibid.*, *p.* 523.

"Jan. 28, 1763. The following Report was offered by the Committee appointed for the purpose therein mentioned viz^t

The Committee to whom was referred the Petition of Nathaniel Kellog and Obadiah Dickinson have met and considered the same (the Petitioners and the Representative of Deerfield being first heared thereon) and beg leave to report that it is convenient that a Committee be appointed and sent from this Court and fully Authorized and impowered to run the Lines and ascertain the Bounds between Deerfield and Hunts Town, and Deerfield and the Province Lands adjoining on the West of Deerfield and North of Hunts Town according to the several and original Grants of Deerfield and Hunts Town and especially to run and fix the dividing Line between said Towns in order to put and end to all disputes between them relative to their Boundary Line (first notifying both said Towns of their running and fixing said Line, that they may be present if they see cause) and make report of their Do-

ings to this Court at their next May Session. The Charges of this Committee to be borne as this Court shall order.—All which is submitted.

JAMES OTIS *per* order.

In Council Read and Accepted, and Ordered That John Worthington Esq^r with such as the honourable House shall join be a Committee for the purposes in said Report mentioned, to make report at the next Sitting of this Court, the charge of the said Committee to be borne as the said Court shall order. In the House of Representatives Read and Concurred and Major Hawley and Major Day are joined in the Affair. Consented to by the Governor."—*Ibid.*, *p.* 527.

"June 18, 1765. In the House of Representatives. A Plan of the Township of Huntstown taken by Eleazer Nash, Surveyor and Chainmen on Oath, bounded as follows viz^t begining at a Maple Staddle and heap of Stones marked thus 9X which stands in Deerfield West line 420 perch from their Southwest corner on the course North 19° East, and from the aforesaid Maple runs North 19° East 2180 perch to a Hemlock tree marked 9X and a heap of Stones. Thence West 17 north 650 perch. Thence West 3° South 1615 perch to Hatfield Grant, The same being Mayhew's Northeast corner. Thence South 1050 perch. Thence East 22° South 1714 perch and closed to the first boundary contains 23040 Acres, Surveyed August 1^st 1764, one Rod in thirty allowed for sag of Chain.

Voted that the said plan be accepted, and the Lands therein delineated and described be Confirmed to the proprietors of the said Hunts Town, their Heirs and Assigns: provided it does not exceed the quantity of their Grant, nor interfere with any former grants.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *vol. XXVI.*, *p.* 39.

Chap. 17. See note to 1763–64, chap. 10, *ante*.

Chap. 18. "June 12, 1764. To Sylvanus Wing the sum of Sixteen pounds, Allowed by the General Court for what the Town of Hanover was Ordered to pay him in the Year 1761, which the said Town hath never Complied with which is to be added in the Province Tax next Year to the said Town of Hanover."—*Executive Records of the Council*, *vol.* 5, *p.* 320.

"June 11, 1765. Resolved, That the Province Tax laid upon the Town of Bernard's Town in the Years 1763 and 1764, which was thirty nine Pounds three Shillings and four Pence, be remitted to them, and that the same be laid on the following Towns in the County of Hampshire, this present Year, from whence it was taken.

On the Town of Springfield	£4	17	8.
Wilbraham	1	0	8.
Northampton	5	18	4.
Westfield	5	14	2.
Deerfield	5	14	2.
Hatfield	5	18	4.
Greenfield	2	17	4.
Brimfield	4	2	2.
South-Brimfield	1	12	0.
Monson	1	8	6.
	£39	3	4.

Further Resolved, That the Province Tax laid on Hunt's Town for the Years 1762, 1763, and 1764, amounting to the Sum of forty two Pounds fourteen Shillings and nine Pence be remitted to them, and laid upon the following Towns this present Year, from whence they were taken.

On the Town of Springfield	£5	5	9
Wilbraham	1	1	0
Northampton	6	6	9
Hatfield	6	6	9
Brimfield	4	1	0
South-Brimfield	2	5	9
Deerfield	6	6	9
Greenfield	3	3	3
Westfield	6	6	9
Monson	1	11	0
	£42	14	9

Further Resolved, That the Province Tax this present Year on Bernard's Town be, twelve Pounds seventeen Shillings and six Pence, on Hunt's Town be nine Pounds, on Chesterfield, five Pounds, on Charlemont, five Pounds, to be levied on the Polls and Estates, in the respective Towns. Sent up for Concurrence."—*House Journals*, 1765–66, *p.* 46.

No record has been found of any action upon these resolves, by the Council, except in the act itself. For the proceedings on the first petition from Bernardston, see note to 1763–64, chap. 10, *ante*.

"Oct. 30, 1765. In the House of Representatives. Whereas the Sum of Three hundred and sixty two pounds, eighteen shillings and 4¾^d was ordered to be apportioned and assessed on the Town of Stoughton in the County of Suffolk this current year as their proportion of the Sum of Fifty thousand pounds Province Tax. And whereas afterwards some time in June last past the second precinct in the said Town was incorporated into a separate District by the name of Stoughtonham; but no certain direction or order then passed for ascertaining their proportion of the aforesaid Sum of Three hundred and sixty two pounds, eighteen shillings & 4¾ whereby some

doubts have arisen what said Districts proportion thereof should be. Therefore Resolved that the said District be, and they hereby are ordered to pay the Sum of one hundred and eighteen pounds, three shillings and five pence two farthings a part thereof, and that the Province Treasurer be and he hereby is impowered and directed to send forth his Warrant to the Selectmen of said District for the said Sum accordingly; and to the Selectmen of the Town of Stoughton for the remaining Sum of Two hundred and forty four pounds fourteen shillings and eleven pence ¾d only, the same to be their proportion in all other future Taxes; and that the County Treasurer is likewise directed to send out his Warrants in the same proportion.—In Council, Read and Concurred. Consented to by the Governor."—*Council Records, vol. XVI., p.* 94.

"June 14, 1766. A Petition of William Hale and others a Committee of the Inhabitants of Tyringham—Setting forth That they are greatly over rated to the Province Tax the last year; and praying an abatement; Whereupon the following Order passed viz^{t}—

In the House of Representatives. Whereas it appears to this House that the said Town at the time of taking the general Valuation had no opportunity to return a List of their rateable Polls and Estates. Therefore, Resolved, That the said Town have leave to return such List to this House at the next Winter Session, to which time their Petition and all matters relative thereto is referred. In Council, Read and Concurred Consented to by the Governor."—*Ibid., p.* 256.

"June 24, 1766. A Petition of Ezekiel Wood Agent for the Town of Uxbridge praying that in consideration of the great charge they have been at within two years last past, and great loss of Inhabitants in the year 1762 by a mortal and distressing distemper, with the expence and damage consequent thereon; the Fine laid on said Town the last year for not sending a Representative may be remitted.

In the House of Representatives, Read and Ordered that the prayer of this Petition be granted: and that the Treasurer be & hereby is directed to pay unto M^{r} Ezekiel Wood for the use of the said Town of Uxbridge the Sum of Ten pounds a Fine laid on them by this House for neglecting to send a Representative the last year. In Council, Read and Concurred. Consented to by the Governor."—*Ibid., p.* 281.

"June 24, 1766. A Petition of Ebenezer Child and others assessors of the Town of Shutesbury—Setting forth—That in the year 1765 they assessed the Inhabitants of said Town, but neglected giving a Warrant to the Constables for collecting the same until Other Constables were chosen the next Year: and praying that they may be authorised to issue their Warrants to the Constables for the said Year, and that such Warrant be accounted valid.

In the House of Representatives. Resolved that the prayer of this Petition be granted, and that the assessors of the Town of Shutesbury for the year 1765 be and hereby are impowered and directed to issue their Warrants for collecting the Town & County Tax committed to the Constables of the said Town of Shutesbury for the year 1765 to collect, notwithstanding the time being elapsed for issuing the same: and the Constables for the year 1765 are also hereby directed and impowered to observe the same, and to compleat their Collections, and pay in the same as by their said Warrant they shall be required and directed. In Council, Read and Concurred. Consented to by the Governor."—*Ibid., p.* 282.

"Nov. 4, 1766. A Petition of Jonathan Williamson and Others, a Committee of the Town of Pownallborough—Setting forth—That the said Town at their annual March Meeting in 1765. agreed to give two shillings in the pound to any two Men that would agree to collect the Taxes of that year and give security therefor. Whereupon Job Averel and Obadiah Call offered themselves and were Accepted; but said Call being not legally warned to take the Oath of Office, did afterwards when the Assessors offered him the Rate Bills, refuse to take them, and they are not now by Law enabled to Choose another Collector. Therefore praying that this Court would enable them now to choose another Collector in the room of said Call, or otherwise relieve them—

In the House of Representatives Resolved that the Prayer of this Petition be so far granted as That the Town of Pownallborough be, and are hereby impowered, being legally assembled for that purpose to choose a Collector to collect, the Taxes that should have been collected the last year on the Western Side of the Said Pownallborough, the time for choosing Town Officers being elapsed notwithstanding. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 309.

"Nov. 5, 1766. A Petition of the Selectmen and Assessors of the Town of Freetown—Setting forth—That one William Terry was chosen Constable in the Year 1765. and sworn accordingly, but before he had collected any part of the Taxes which were committed to him the same amounting to £90. 4. 8 he removed out of Town: and as they have no legal Power to choose any person to collect the said Sum praying that they may be impowered by this Court for that purpose—

In the House of Representatives. Resolved That the Prayer of the Petition be granted: and that the Town of Freetown be and hereby are impowered, being legally assembled for that purpose to choose a Collector to collect the Sum of Ninety pounds four shillings and eight pence which was the Sum apportioned to William Terry of said Freetown, who was chosen one of the Constables of said Town the last year, the said William Terry having removed out of the Province. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 312.

"Nov. 7, 1766. In the House of Representatives. Whereas Since the passing of the last Tax Act, a part of the Town of Falmouth in the County of Cumberland has been erected into a District by the name of Cape Elizabeth, but no rule or method has been since prescribed for assessing the Inhabitants and Estates in said Town and District respectively, their proportion of the public Taxes. Resolved

that the said Town and District shall and do in conjunction Assess the rateable Inhabitants and Estates of both according to the rules perfixed and set by the last Tax Bill for the making Public Taxes & commit the same to the several Constables and Collectors of the said Town and District to be by them severally collected and paid into the Province Treasury according as they shall receive the Treasurers Warrant, which they are hereby enjoined to do, and the said Assessors are hereby respectively directed and enjoined to return to this Court a true and perfect List of the Poles and Estates by Law rateable to the Public Taxes at their next Session in order to the said Courts making a proper Order for their being hereafter severally Taxed by their several Assessors In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 315.

"Mar. 9, 1767. A Petition of the Inhabitants of the Town of Tyringham Praying to be relieved with regard to their Taxes as entered the 14th June last.

In the House of Representatives. Ordered that the consideration of this Petition be referred until next May Session, that the Petitioners may have opportunity to return a List of their rateable polls and Estate by which the Assessors of the Town of Tyringham made their Assessments in the year 1761.—In Council, Read and Concurred."—*Ibid.*, *p.* 451.

Chap. 20. "Feb. 6, 1762. A Petition of Thomas Foster and Edward Winslow Esqrs Agents for the Town of Plymouth—Setting forth, That the Beach in said Town commonly called Plymouth Beach by the many and repeated Storms the last Fall is in great danger of being washed away, that even common tides now flow over many parts of it, and that if something be not done speedily to secure it, the Harbour must be entirely destroyed, That this is a matter which affects not only the Town of Plymouth, but the Province in general, as there is no Harbour between Boston and Cape Cod but this for Vessels to put into in bad Weather; and the expence of securing it would be too great for the Town to undertake—And Praying for some Assistance from the Government.

In the House of Representatives Read and Ordered, That Mr Speaker and Colo Clapp, with such as the honourable Board shall join be a Committee to repair to Plymouth view the Harbour on the South and North side and report at the next May Session what they judge proper for this Court to do thereon."—*Council Records, vol. XXIV.*, *p.* 235.

"Feb. 11, 1763. The Committee appointed the 6th of February 1762 on the Petition of Thomas Foster and Edward Winslow Esqrs made the following Report Viz: The Committee to whom was referred the Petition of Thomas Foster and Edward Winslow Esqrs relating to Plymouth Beach have attended that Service, viewed the said Beach, and find that the Beach aforesaid which makes Plymouth Harbour is as we judge about four miles long. That the Meadows at the entring on to said Beach has been much damnifyed by the Sea washing over in high tides and storms into the Harbour at divers places for near a mile, That at divers other places the Sea has run over said Beach into said Harbour for near two miles, That the Owners of said Meadow have been at considerable charge to defend their Marsh by raising said Beach, and as we are informed they design to make it secure, That the above Beach to the Northward and more directly against the Harbour for near two miles at several places is greatly damnifyed by the Sea running over it as aforesaid; and the Harbour it is probable will be ruined if said Beach is not secured, That the charge in securing and well defending the same, we judge will be near Five hundred pounds, which will be hard for said Town of Plymouth to pay; and as the advantage of having said Harbour secured will be of great service to said Town of Plymouth and to Seafaring People in general who trade in this Province, We apprehend that for the encourageing said Town in this Work, the sum of two hundred and fifty pounds ought to be allowed them by said Province, and that said Town be enjoined to raise the like sum for the Service aforesaid to be under such directions and limitations as shall be judg'd convenient, and that the Agents for the Town of Plymouth have leave to bring in a Bill accordingly. Jxo Cushing p. order

In Council (Feb: 9) Read and sent down In the House of Representatives Read and not Accepted, And Ordered That the Petition referred to be dismissed—Sent up for Concurrence."—*Ibid.*, *p.* 570.

"June 7, 1764. A Petition of Thomas Foster Esqr Agent for the Town of Plymouth Setting forth, That in the year 1762, they preferred a Petition to the General Court, representing the danger of the Harbour in said Town being ruined by the Breaches made by the Sea on the Beach which is the Security of the said Harbour; that a Committee was thereupon appointed to view the same, who reported That it would require Four hundred pounds to secure the said Beach, two hundred pounds whereof they were of opinion should be paid by the Government provided the Town of Plymouth raised and applied two hundred pounds more for that purpose; which Report was continued over to the Session of the General Court in December last, when the Petition and Papers were burnt with the College: Since which the said Beach has been greatly damnified by a heavy Storm in April last. And Praying that the matter may be now considered, and Relief granted.

In the House of Representatives Read and Resolved That the sum of Two hundred pounds be allowed and paid out of the Public Treasury to the Petitioner, for the use of the said Town, to enable them to repair and secure the Beach and Harbour mentioned in this Petition: And that the said Town of Plymouth render an account to the Great and General Court, of the said monies, and that Mr Otis and Mr Witt with such as the honorable Board shall join be a Committee to repair to the Beach and Harbour mentioned in the Petition, and report what the whole Cost thereof will amount to, and what part of it shall be borne by the Province, & what by the said Town of Plymouth.

In Council Read and Concurred and James Otis Esq^r^ is joined in the Affair.—Consented to by the Governor."—*Ibid.*, *vol. XXV.*, *p.* 238.

"June 22, 1765. In the House of Representatives. Resolved that the Town of Plymouth raise the sum of Two hundred pounds, which Sum together with the Two hundred pounds granted by this Court in June last and now in the hands of Thomas Foster Esq^r^ be immediately applied to the repairing the Harbour of Plymouth agreable to such directions as Trustees appointed by the said Town shall think proper. And in case the Town refuse to raise the said Sum, then that Thomas Foster Esq^r^ pay into the Province Treasury the aforesaid Sum of Two hundred pounds on or before the second Monday of the next Session of this Court; and in case the said Sums of Four hundred pounds should be more than sufficient for the aforesaid purpose, then the Town and Province Money be paid in equal proportion, and the surplusage of the Two hundred pounds be returned into the Province Treasury. And that the said Trustees keep a fair Account of all expences, and make return to this Court as soon as the work is compleat, or when the Court order such Account to be rendred. In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *vol. XXVI.*, *p.* 57.

Chap. 21. "At the last Session of the General Assembly A Bill was prepared to be brought into the House to raise by Lottery a sum of Money in addition to the sum of £4250 before granted by the General Assembly to erect a new building* for the use of the College at Cambridge in this Province. The case was this. By the increase of the Students of the College there have been of late near 80 more than can be lodged &c. in the College, in consequence of which some disorders have arisen which have been irremediable, whilst a considerable part of the Collegians have been for the greatest part of their time not subject to the inspection of their Governors. The obvious remedy for this was the bringing them all within the walls of the College, for which purpose upon an application from the College, the Assembly granted the sum of £4250, being the precise estimate of a building to contain lodgings for 64 Students.

Upon a further consideration of this Scheme, it was found that something more than mere lodgings were wanting, particularly an addition to the Dining Hall, which was not capable of receiving an additional number. It has therefore been thought expedient to add the Library (which at present adjoins) to the Hall and build a new Library in the new building. It was impossible to ask the Assembly (after the former ample beneficence) to contribute a further sum for this new Expence, and therefore the expedient of a lottery was the only one that could be resorted to.

This being the case I should have made no doubt of consenting upon general principles, nor does it seem to fall within the rules which Your Lordships have laid down in your exceptions to the former Lottery Bills, But as in consequence thereof Your Lordships laid a general injunction upon me not to pass any more Lottery Bills, I prevailed on the Gentlemen concerned not to bring in this Bill, untill I had time to lay the case before your Lordships and obtain from you a relaxation of that injunction in this Case, or rather a declaration that the rule of reasoning, upon which your Lordships disapproved of the raising the money by Lotteries for making bridges, mending roads &c. matters due from the Community either of the County or Township does not extend to this Case. If there is any case wherein a Lottery may be said to be lawful and advisable the providing for the education of youth in the higher path of learning, for which the generality of the People are no ways obliged to contribute, is one, Upon this Principle the Academy at Philadelphia has received great part of its support from an annual lottery. And lately when a scheme was formed for cutting off that resource by a general Act against lotteries, it was thought more advisable to allow a general licence for lotteries of all kinds (abused as it was sure to be) than to suffer a learned seminary to be defeated of a considerable part of its usual income. For these reasons it is much more to be hoped that Your Lordships will allow me (who am under no other injunction than a signification of your Lordships sentiments upon lottery bills of another kind) to consent to this Bill for the benefit of a Society well deserving Your Lordships favour, which is neither like to be abused or repeated."—*Gov. Bernard to Lords of Trade*, *Oct.* 21, 1762: "*Mass. Bay*, *B. T.*," *vol.* 78, *L. l.*, 41.

"Monday December 20^th^ 1762.

At a Meeting of His Maj^ty's^ Commiss^rs^ for Trade and Plantations.

Present

Lord Sandys

M^r^ Jenyns. M^r^ Bacon.
M^r^ Yorke. S^r^ Edm^d^ Thomas.

* * * * * *

Read a letter from the Gov^r^ of the Massachusetts Bay dated 21^st^ of Oct^r^ 1762 inclosing the sketch of a Bill for raising money by a Lottery, for the use of Harvard College in Cambridge within that Province and desiring the Board's permission to assent to such a Bill.

Their Lordships upon consideration of the said Letter and Bill and the utility & propriety of the service for which it provides were of opinion, that the Governor should be directed to assent to such a Bill as is proposed and a Letter to him, signifying the Board's opinion was ordered to be prepared."—"*Trade Papers*," *vol.* 64, *p.* 316.

"We have received your letter to us of the 12^th^ of October inclosing heads of a Bill for raising a sum of money by Lottery to compleat an additional Hall for the use of Harvard College in Cambridge and tho' We are still of opinion that Lotteries in the American Colonies ought [not ?] to be countenanced and are fully convinced

* Hollis Hall.

that the too frequent practice of such a mode of raising money will be introductive in great mischief, Yet in consideration of the general Propriety and utility of the service to be provided for by this Bill, We have no objection to your passing it into a Law, desiring at the same time, that it may be understood that such a permission shall not be drawn into precedent in any other case whatever."—*Lords of Trade to Gov. Bernard, Dec.* 24, 1762: "*Mass. Bay, B. T.*," *vol.* 86, *p.* 148.

"Near three years ago I was applied to to pass a Lottery Bill for raising a sum of money to build a Library and Philosophy Rooms for the use of the College, which were to be made the centre of a building for lodging Students then being to be erected at the expence of the Province. As Your Lordships at that time had expressed your disapprobation of the frequent Lottery Bills passed here, I chose to submit this matter to Your Lordships before I passed the bill, and I immediately received Your Lordships approbation of it. When that came to hand, it was thought more advisable to keep this building detached from lodging rooms than to join it to them, upon account of the danger from fire: it was therefore postponed till the other building was finished. In the Winter Session in 1764 a Bill was prepared for this purpose, but before it could be brought in, the old Harvard College, containing the Hall, the Library and the Apparatus Room &c. was burnt down. As this happened whilst the General Court was sitting in these rooms (the smallpox prevailing at Boston) and by means of the fires kept for them; the House, upon my recommendation, generously undertook to rebuild the whole. There were in the old building some lodging chambers: but it being now judged expedient to take hold of this opportunity to have all the public rooms of the College brought under one roof, secured from fire and therefore detached from lodging rooms, I engaged with the Committee appointed to conduct this building that if they would include in it a Library an Experimental Philosophy Room &c I would consent to a Lottery Bill to build lodging rooms in lieu of the Library &c. This was agreed to, and accordingly a Magnificent Building has been erected and is nearly finished containing an Hall a Chapple, a Library, a Philosophy School, two other Schools and an Observatory in a Cupola, together with a compleat set of Offices in a base floor running under the whole. And now this Act is brought in to raise money to build lodging rooms which have been lost to the College by bringing all the public rooms together.

I have thought proper to give Your Lordships this detail, that it may appear that I pass this Act in pursuance of leave obtained from Your Lordships above two years ago and also whence arose the delay of it and the alteration of its purposes."—*Gov. Bernard to Lords of Trade, July* 15, 1765: *Ibid. vol.* 78, *L. l.*, 85.

See, also, note to 1759-60, chapter 35, *ante*.

"The night after the 24th of January, the building called the old college was entirely consumed by fire, which began in the library, the room where the council had sat the evening before. A very large collection of books, but the greatest part of them not very valuable, together with the apparatus for the use of the professor of natural and experimental philosophy, were wholly lost. A much better building was erected at the charge of the province, planned by the governor, who was a very ingenious architect, and a much more valuable library and apparatus were supplied by publick and private donations."—*Hutchinson's Hist. Mass. Bay, vol.* 3, *p.* 105.

Chap. 22. "Jan 20, 1764. The following Order passed on the Petition of the Proprietors of Windham viz^{t} In the House of Representatives Ordered that the said Proprietors, be, and hereby are enabled to make the Exchange desired and mentioned in the Petition, and the Committee of the Proprietors, and the Rev^{d} M^{r} Peter Thacher Smith are hereby impowered to make and execute proper deeds for exchanging and vesting the respective Intrests as prayed for. In Council."—*Ibid., vol. XXV., p.* 140.

Chap. 23. "June 2, 1764. A Petition of the Proprietors of Murrayfield—Praying that the Settlers admitted therein, may from time to time be impowered to call Meetings in order to agree upon proper methods to settle the Gospel Ministry among them and to transact any other business that may be necessary.

In Council Read and Ordered That the Petitioners have liberty to bring in a Bill for the purposes mentioned.

In the House of Representatives Read and Concurred."—*Council Records, vol. XXV., p.* 213.

"June 11, 1766. A Petition of Timothy Paine, John Chandler, John Murray and Abijah Willard Esq^{rs} Setting forth That in June 1762 they purchased a Tract of Land of the Government for a Township, since which they admitted James Otis Esq^{r} as a partner to one fifth of three fourths: that the same is now incorporated into a Town by the name of Murrayfield, and that they have nearly complyed with the Conditions of Settlement; but that they have no absolute Grant from the Government, which prevents them giving a Title to purchasers, who appear to buy Lots of Land in said Township. And praying that the s^{d} Town may be confirmed to the said Timothy Paine, John Chandler John Murray and Abijah Willard viz^{t} to the said Timothy Paine, John Chandler and John Murray each one fifth, to the said Abijah Willard one fourth, and to the said James Otis one fifth of three fourths.

In the House of Representatives. Resolved That the Township mentioned in the within Petition be granted and confirmed to the Petitioners in the following proportion viz^{t} to the said Timothy Paine, John Chandler and John Murray each one fifth part thereof: to the said Abijah Willard one fourth part thereof; and to the said James Otis one fifth of three fourths thereof, to them, their Heirs and Assigns forever, they compleating the Settlement thereon originally enjoined.

In Council, Read and Concurred. Consented to by the Governor."—*Ibid., vol. XXVI., p.* 249.

By an order in Council, of December 3, 1766, the Lords of Trade were directed to consider, and, from time to time, to report their opinion upon, all acts then before them or which should thereafter be transmitted to them. In accordance with this order, they reported, April 16, 1767, upon all such acts, including "eighteen" acts incorporating "plantations into townships." As no list of the titles of these acts is given with the report, it is difficult to determine just what acts were included in the eighteen acts referred to. By taking only such acts as expressly incorporated "plantations" into towns, including the seven acts passed from January to June, 1762, which were considered by the Lords of Trade in their letter to Gov. Bernard (see note to 1762-63, chapter 8, *ante*), and also the present chapter, the number is just eighteen; but, although the seven acts above mentioned were ordered "to lye by probationary," all questions relating to them would seem to have been settled in the correspondence alluded to, and by subsequent lapse of time. If all the newly incorporated towns are included, except such as were made from other towns, or such as were denied the right of representation, by their acts of incorporation, the number, exclusive of the seven which have already been considered, cannot be increased to eighteen without including Pownalborough (1759-60, chapter 23) and Pittsfield (1760-61, chapter 34), for which there seems to be no stronger reason than for including the seven towns incorporated in 1762.

The towns, with the privilege of representation, incorporated since Windham (1762-63, chapter 8), which is the last of the seven acts above mentioned, are nineteen; viz., Bowdoinham, Warwick, Wilbraham, Newburyport, Topsham, Fitchburg, Winchendon, Gorham, Boothbay, Royalston, Ashburnham, Williamstown, Bristol, Ashfield, Lanesborough, Charlemont, Richmont, Becket and Murrayfield: but of these, Wilbraham and Fitchburg (1763-64, chapters 9 and 30) were joined, in the choice of representatives, with the towns from which they were, respectively, set off, so as not to increase the number of representatives to be chosen; while Newburyport (1763-64, chapter 20), for the same reason, was authorized to choose one of the representatives previously allowed to Newbury.

It is possible that the act incorporating Murrayfield, although it had been referred to the Lords of Trade by the committee on plantation affairs as early as March 11, 1766, and had been sent by them to Sir Matthew Lamb, and returned by him with his opinion thereupon, October 29, 1766, and so was, properly, within the description of acts reported upon as above, may, nevertheless, have been omitted from the list. This would reduce the number to eighteen.

The following is the portion of the report which relates to the acts incorporating towns with the privilege of choosing representatives to the General Court:—

"It remains now for us to observe to Your Majesty upon various Acts which have been passed in this Province for erecting and incorporating sundry Plantations into Townships. There is no occasion as we conceive, for us to recite these several Laws, which are eighteen in number, inasmuch as they are all in their nature and consequence exactly similar and as such liable to one and the same objection.

By these Acts for the institution of Townships, the said Towns become thereby invested with all the privileges powers and immunities that Towns in this Province by law enjoy of sending Representatives to the General Assembly.

By the Charter granted by their Majesties King William and Queen Mary every Town is empowered to elect two persons to serve for and represent them in the General Assembly; This Privilege by an Act of Assembly passed in the 4th Year of the same reign is limited to a stated number of Freeholders; According to these restrictions no Town is allowed to send two Members but what has one hundred and twenty freeholders; Every Town that has forty freeholders is obliged to send one Representative; a Town that has above thirty and under forty Freeholders may send a Representative or not as they please, and a Town under thirty Freeholders may send a Representative or join with the next in the choice of one.

By these Regulations it follows that every Township thus instituted by Act of the Legislature of that Province becomes of course entitled to such privileges as other Towns therein have and do by Law enjoy, even altho' the Act for their institution is silent in regard to their being represented. When therefore such a Township has a sufficient number of Freeholders, it becomes entitled to a Precept as a matter of right and should every Town avail itself of such its right and privilege to send Representatives, the number of that body is capable of a very considerable increase, even tho' there were no new erected Townships to contribute to it whilst at the same time Your Majesty's Council in the said Province are limited and confined to a fixt and very disproportionate number.

This being the state of the Case these Acts for erecting so many new Townships appear to us to lead to inconveniences arising from too great an increase of the number and influence of the Representative Body and from a disproportion of the other Branches of the Legislature, and We could wish that some proper methods might be devised for limiting and restraining the general number of Representatives.

By what means these Purposes can be best accomplished, whether, as the Governor suggests in his letter to us of the 30th of April 1763 by enlarging the number of Freeholders that shall give a Town a right to send one Member, and by joining others together in the choice of one Representative who have not such a Number, as many already are, or whether by proposing an Act of Assembly, ordaining that no Towns shall be incorporated to send Members but what have the full number of Inhabitants according to the first regulation of the Charter, or by what other rule and method of proceeding are points which must be left to the wisdom of Your Majesty and Your Council to consider and determine thereupon; And We humbly submit to Your Majesty whether this is not a case that does from the nature and importance of it require immediate attention; It being represented to us by Your

Majᵗʸ's Governor that the number of Representatives who compose the Assembly of that Province and who at the time of granting the Charter amounted only to Eighty four are now increased to upwards of One hundred and eighty."—" *Plantations, General," B. T., vol.* 42, *p.* 91, *in Public-Record Office.*

Chap. 25. " June 7, 1759. A Petition of Ezekiel Cushing and a great number of Others of the second Church and Parish in Falmouth—Setting forth the disorderly proceedings in the settlement of Mr Ephraim Clark as a minister in said Parish, whom they look on as unqualified and unfit for said Office. And praying that they may be exempted from Taxes for his Support, and have liberty to join with the first Parish in Falmouth, or be otherwise relcived.

In the House of Representatives, Read and Ordered That the Petitioner serve the Clerk of the second Parish in Falmouth with a Copy of this Petition, that they shew cause (if any they have) on the second Friday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council. Read and Concurred."—*Council Records, vol. XXIII., p.* 18.

" Jan. 15, 1760. A Petition of Ezekiel Cushing Esq and Others of the Second Parish in Falmouth, Praying to be freed from paying Taxes to the Support of Mr Ephraim Clarke, lately settled as minister of said Parish, as entered 7 June last.

In Council. Read again together with the Answer of the second Parish in Falmouth, and Ordered That Samuel Watts and William Brattle Esqrs with Such as the honourable House shall join be a Committee to take the same under consideration and report what they judge proper for this Court to do thereon.

In the House of Representatives Read and Concurred and Colo Gerrish, Colo Sparhawk and Mr Hearsy are joined in the Affair."—*Ibid., p.* 173.

" Jan. 18, 1760. The Committee appointed the 15th Instant on the Petition of Ezekiel Cushing Esqr and Others of the second Parish in Falmouth made the following Report vizt

The Committee upon the Petition of Ezekiel Cushing and Others of the Second Parish in Falmouth have maturely considered it with the Answer thereto and the Papers put in by the said Ezekiel in favour of the Petitioners as also by Colo Waldo in favour of the Respondents. And upon the whole beg leave first to report Facts, and then our opinion upon the Same.

First—That on the 30 day of July 1755 an Ecclesiastical Council was convened at the second Parish in Falmouth consisting of fifteen Churches, unto which Council the difference mentioned in said Petition was submitted, and by the Committees of the contending Parties, the Result of the said Council was to be decisive and final. The Charges exhibited against Mr Clark were as follows.

1. His want of a liberal and learned Education.
2. His seperating Principles which he set out upon when he was ordained over a Seperation in Boston.
3. His immoral Conduct.
4. The Divisions, Contentions and mischeifs that will attend said Parish if Mr Clark should be installed over the Church there.—Said Venerable Council having considered the same put the following Question.

Question. Whether the Venerable Council considering all things which have been offered, think it expedient to proceed to the Instalment of Mr Ephraim Clark in the Work of the Ministry in this Place. Voted in the Negative. And accordingly this was part of their result—That they advised that he should not be installed over said Church; at the same time adding therein—That they find nothing in the Objections made against Mr Clarks moral Character sufficient to influence them to such a Conclusion.—They go on in their Result to advise said Church to take every prudent Step in order to such a Settlement as may be if possible unexceptionable to those of their Brethren who have differed from them.

The Above Facts were taken from the Minutes and Result of Council and sworn to by the Reverend Mr Langdon of Portsmouth their Scribe.

Soon after this result said Church in Falmouth sent to the following Churches to instal Mr Clark over them vizt The second Church in Kittery, the first and second Churches in Berwick, the second Church in York and two Churches more vizt one in Ipswich and another in Glocester. How many of the Churches were present the Committee can't determine; three only of their Reverend Pastors were present vizt Mr John Rogers and Messrs Cleavelands, who in direct opposition to the result aforesaid, and without any renewall of the Call of Mr Clark, either by Church or Parish installed him—which very extraordinary Doings of theirs were laid before the Convention of Ministers at their annual Meeting May 27. 1756, Who thereupon Voted, Nemine contradicente, that in the opinion of this Convention all such Proceedings are very irregular—against which they think themselves obliged to bear their testimony, as having a manifest tendency to destroy these Churches if not seasonably discountenanced.

The Committee can't but in justice to the said Ezekiel observe that the several Charges in the respondents Answer against him are without Ground and injurious.

Upon the whole the Committee apprehend the Interest of Religion the Order and Peace of the Churches of this Land in general, and in the second Parish in Falmouth and their Vicinity in special make it reasonable and necessary that such of said second Parish as are aggreived at the Settlement of said Mr Clark in manner aforesaid be with their Estates exempt from paying Taxes to his Support and maintenance, and therefore humbly propose the following Order may pass.

(Sign'd) SAMl Watts #' Order.

Said Order is comprized in the resolve that follows vizt

In Council. Read and Accepted. And Resolved that such of the Inhabitants of the second Parish in Falmouth who are aggrieved at the Instalment of Mr Clark

and are desirous not to sit under his Ministry (upon their transmitting their names together with their desires to be set off to the first Parish in Falmouth) into the Secretary's Office at Boston on or before the last day of May next, be and hereby are with their Estates set off to said first Parish in Falmouth there to do duty and receive Privilege 'till the Further order of this Court. In the House of Representatives Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 182.

"Feb. 15, 1765. A Petition of Ezekiel Cushing Esq^r and others—Setting forth That the Great and General Court were pleased at their Request some time since to set them off from the second parish in Falmouth to the first parish in the said Town; but that they since find their being so set off to be attended with many inconveniences. And praying that they with their Estates may now be restored to the said second parish.

In the House of Representatives. Read and Ordered That the Petitioners serve the first parish in Falmouth with a Copy of this Petition, that so they shew cause if any they have on the second Wednesday of the next Session of this Court why the prayer thereof should not be granted. In Council, Read and Concurred."—*Ibid.*, *vol. XXV.*, *p.* 410.

"Feb. 25, 1767. A Petition of a number of the Inhabitants of Cape Elizabeth, formerly the second parish in Falmouth, who were some time since set off from the said second to the first Parish in Falmouth—Setting forth—That they had since petitioned to be set back to the second Parish, the prayer whereof they imagine was granted in effect, tho' not in form: and praying that they or as many of them as think fit, may be set off from the first Parish in Falmouth to the District of Cape Elizabeth.

In the House of Representatives. Read and Ordered that the Petitioners notify the District of Cape Elizabeth and the first parish in Falmouth by leaving a Copy of this Petition and Order with each of their respective Clerks: and the Petitioners are also ordered to notify the persons mentioned in their petition to be taxed by causing the said Petition and Order to be read to them respectively or a Copy thereof left at their place of dwelling; so that all parties concerned may have opportunity to be heard upon the same on the second Wednesday of the Session of the General Court in May next; and the Collection of the Taxes of those persons referred to in this Petition is ordered to be stayed until the further Order of this Court. In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *vol. XXVI.*, *p.* 418.

"June 20, 1767. A Petition of the Inhabitants of the second Parish in Falmouth—Praying that a number of persons formerly allowed to be of the first Parish may be set back to the second Parish as entered the 25^th^ of February last.

In Council, Read again together with the answer of the first Parish in Falmouth, and the District of Cape Elizabeth: And Ordered That Andrew Belcher and James Pitts Esq^rs with such as the hon^ble House shall join be a Committee to take the same under consideration & report.

In the House of Representatives, Read & Concurred and M^r Greenleaf, M^r Lane and Cap^t Herrick are joined in the affair."—*Ibid.*, *vol. XXVII.*, *p.* 82.

"June 25, 1767. The following Report was made by the Committee appointed on the Petition of the Selectmen of Cape Elizabeth viz^t—

The Committee on the Petition of Jonathan Loveit and Samuel Skillin have fully considered the same together with the answer of the Committee of the first Parish in Falmouth, whereby it appears the Petitioners failed of giving seasonable notice to the parties concerned agreable to an Order of the General Court in February last—Wherefore your Committee are unanimously of opinion that the further consideration of the same be referred to the second Wednesday of the next Winter Session of this Court; and that the Petitioners aforesaid in the mean time seasonably notify the parties concerned by leaving a Copy of their Petition with the Clerk of each parish so that each and every of those persons, who were formerly set off from the second to the first parish in Falmouth may have an opportunity to make answer to the Petition aforesaid—And your Committee are further of opinion, that for the present all those persons who were set off to the first parish as aforesaid be held to pay Taxes to the said first Parish, unless they or any of them shall signify to the assessors of each parish by writing under their hands, their desire of being taxed to the second Parish, in which case, they shall pay taxes to the second Parish, and that only. Which is humbly submitted Signed ANDW BELCHER #^r Ord^r

In Council, Read and not accepted: And Ordered that the Petition be dismissed. In the House of Representatives, Read & nonconcurred, and ordered That the Report be accepted. In Council, Read and Concurred."—*Ibid.*, *p.* 102.

"June 16, 1768. A Petition of James Small and others—setting forth—That some years since they were set off from the 2^d Parish in Falmouth to the first; but since finding it inconvenient to cross the water to attend the public worship in said first Parish in Falmouth, Praying that they with their Estates may be set back from the said first Parish in Falmouth to the second now Cape Elizabeth.—

In the House of Representatives. Resolved That the prayer of this Petition be so far granted that the Petitioners notify the first Parish in Falmouth by leaving a Copy of this Petition with the Clerk of said Parish that they shew cause, if any they have on the first Tuesday of the next sitting of this Court why the prayer thereof should not be granted. In Council, Read and Concurred."—*Ibid.*, *p.* 355.

"Mar. 28, 1770. A Petition of Samuel Skillin and others Inhabitants of Cape Elizabeth praying for an explanation of the Act Incorporating them into a District made in November 1765.—

In the House of Representatives, Resolved on the Petition of the Inhabitants of Cape Elizabeth That from the time the act of Incorporation of Cape Elizabeth into a District took place all the Inhabitants of said District included within the Lines

of said District were and still are held to pay Parish Taxes there and to no other Parish. In Council, Read and Concurred, Consented to by the Lieut Governor." *Ibid., vol. XXVIII., p.* 109.

"Apr. 16, 1770. In the House of Representatives. Whereas the General Court in their present Session on the Petition of Capt Samuel Skillin & others Inhabitants of Cape Elizabeth Resolved on said Petition that from the time the Act of Incorporation of Cape Elizabeth into a District took place all the Inhabitants of said District included within the Lines of said District were and still are held to pay Parish Taxes there and to no other place; since which the first Parish have by Thomas Smith on their behalf represented some inconveniency that may attend the carrying said Resolve into execution before the said first Parish has an opportunity to be heard upon the subject matter of the said Petition—Therefore Resolved that all proceedings in consequence of said Resolve be staid as fully as if it had not been till the the second Wednesday of the next sitting of the General Court, at which time the first Parish may be heard upon said Petition of Cape Elizabeth, if they see fit, to shew cause, if any they have why said Resolve should not be reversed. In Council, Read and Concurred, Consented to by the Lieut Governor."—*Ibid., p.* 169.

"Apr. 17, 1771. A Petition of Thomas Smith and Ephraim Jones in behalf of the first Parish in Falmouth, in the County of Cumberland—Setting forth That at the Session of the General Court in March 1770 it was Resolved that those Persons who were set off from the second Parish in said Falmouth to said first Parish by a Resolve of said Court in January 1760 were set back again by the Act passed in 1765 making said second Parish a District (by the name of Cape Elizabeth) and held to pay Parish Rates there from that time and no where else—That at the same Session on the Petition of the said first Parish, said Resolve was suspended till said first Parish could be heard upon the subject matter thereof—And after offering sundry reasons why the said Resolve ought to be set aside, Praying that they may be further heard, by a Committee, on the subject; and that it may now be resolved That those Persons who in the year 1760 were set off from the second Parish in Falmouth to the first, shall be held to pay Parish Taxes in said first Parish to the year 1769 inclusive, and that from and after that time they be set back to said Cape Elizabeth to pay Parish Taxes there and no where else, (the first Parish having omitted to Rate them in the year 1770 out of obedience to the Resolve aforesaid.)

In the House of Representatives. Read and Ordered that Doctr Holton Colo Gerrish and Capt Brown with such as the honble Board shall join be a Committee to consider this Petition, together with a Petition of the Selectmen of the District of Cape Elizabeth, accompanying the same, and report.

In Council, Read and Concurred and William Brattle and James Otis Esqrs are joined in the affair."—*Ibid., p.* 520.

"Apr. 26, 1771. The Committee appointed the 17 instant on the Petition of the first Parish in Falmouth, made the following Report viz:—

The Committee upon the Petition of the first Parish in Falmouth by their Agents Mr Thomas Smith junr and Mr Ephraim Jones, have attended the Service assigned them and fully heard the parties thereon, beg leave to observe That A D 1760 sundry Persons were set off from the second Parish in Falmouth to the first Parish in Falmouth there to do duty and receive privilege till the further Order of the Court, for good reasons well known in that day.—That A D 1765 there was an Act of the Province for Incorporating said second Parish into a District; from whence many in said District apprehended that the Act aforesaid superceded and made null and void said Resolve, and therefore that those who were set off to the said Parish were no longer obliged to pay Precinct Taxes to said first Parish, but to the second Parish in Falmouth. The first Parish in Falmouth was quite of another mind, they did not apprehend that the relation of those of the second Parish that were set off to the first Parish was dissolved by said second Parish being made a District the one being purely a Parochial or Ecclesiastical privilege or favor, there being many instances of Persons belonging to one Town or District and yet are of a Precinct even in another Town; whereupon a controversy arose and the whole matter was laid before the General Court, and after a long and very tedious hearing of both parties, both Houses in June 1767 Resolved, that notwithstanding their being made a District two years before, yet their Parochial relation was not dissolved, but that they should pay to the first Parish in Falmouth as before till the further Order of the Court; this we observe past both Houses, but his Excellency Governor Bernard did not Sign it, and consequently tho' it was expressive of the sentiments of the then both Houses, yet it was no valid Act. After this there was another Petition preferred from a number in said District praying that the first mentioned Persons might be set back to said second Parish; thereupon the Houses passed an Order that said Petitioners should notify said first Parish to make answer if they saw cause &c now, in fact, it appears by the Evidence of Mr Longfellow Clerk of said first Parish and otherwise, that said Order was never complied with, that said first Precinct was not notified; a fact not denied by the Gentlemen Agents for the second Parish; yet, unnoticed and without the first Parish's hearing anything of the matter, on the 28 of March 1770 the General Court Resolved That from the time the Act of Incorporation of Cape Elizabeth into a District took place, all the Inhabitants of said District included within the Lines of said District were, and still are, held to pay Taxes there and to no other place: This is directly contrary to the Resolution of both Houses in June 1767 with this difference, that in the Resolution of both Houses in June 1767 the opposite party was notified and was present; in the last Resolve the opposite party viz: the first Parish, was ordered to be notified, but was not notified and was not present. Upon the first Parish in Falmouth hearing of this last Resolve, after they got over their surprize they Petitioned the Court that this Resolve might be set aside, whereupon in April last the whole Court Resolved That all proceedings in

consequence of said Resolve be staid as fully as if it had not been till the second Wednesday of the then next Session of the General Court, at which time the first Parish may be heard &c The case being thus fairly, tho' largely, stated by your Committee which they apprehend will not be disagreable, as the Court may hereby be better able to form a judgment, Your Committee beg leave to observe, that in their opinion that part of the Petition of the said first Parish wherein they pray that it may be Resolved that those persons who in the year 1760 were set off from the second Parish in Falmouth to the first shall be held to pay Parish Taxes in said first Parish to the year 1769 inclusive of said year 1769, ought by no means to be granted or even countenanced because it would be depriving said District of that Constitutional Right they have namely, to be tryed by their Peers, by a Jury, and that it would be ousting the Common Law Courts of their Jurisdiction, unless both parties had consented to have left it to the General Court by them to be decided, which was by no means the case, but inasmuch as the Resolve of 1770 was unfairly obtained, and that in sundry respects: Your Committee cannot but think that it ought to be set aside and be declared null and void—And further that all those who were set off from the second Parish to the first Parish in Falmouth with their Estates A D 1760 shall not from the begining of the year 1770 be holden to pay any Parish Taxes assessed since that time to the first Parish in Falmouth, but shall and hereby be holden to pay them to said District, and all Parish Taxes assessed by the first Parish upon the Inhabitants of said District, not paid before said begining of January 1770 be determined in the Common Law Courts, where the same are Cognizable, unless both parties come to an agreement in another less expensive way; Wherefore your Committee Report the following Resolve—

Resolved That the Resolve aforesaid passed in March 1770 be and hereby is set aside to all intents and purposes and is hereby rendered as null and void as tho' it never had passed.

W. BRATTLE p^r^ Order

Upon which the following Order passed viz^t^

In Council, Read and unanimously accepted and Ordered that the Resolve passed in March 1770 be and it is hereby set aside to all intents and purposes, and it is hereby rendered as null and void as tho' it never had passed.

In the House of Representatives, Read and nonconcurred & Resolved that the Petition be dismissed. In Council, Read and nonconcurred."—*Ibid., p.* 562.

Chap. 26. "Feb. 5, 1768. A Petition of Jacob Rice and others Selectmen of Northborough—Setting forth, That while they remained a Precinct in Westboro' the Anniversary Town Meetings were constantly held every third year at the Meeting house of said Precinct. That they have lately been incorporated into a District by the name of Northborough with all the powers & priviledges of a Town, that of sending a Representative to the General Assembly excepted. And Praying that they may be made a Town, and that the Selectmen of Westborough may be impowered to appoint the Town Meetings for the choice of a Representative to be held every other year at Northborough, or every third year at least, that so they may enjoy equal privilege in that respect to what they enjoyed before they were thus incorporated.

In the House of Representatives. Read and Ordered That the Petitioners notify the Town of Westborough of this Petition by serving the Town Clerk with a Copy thereof to shew cause on the third Wednesday of February Instant if any they have why the Prayer should not be granted. In Council, Read and Concurred."—*Council Records, vol. XXVII., p.* 185.

Chap. 28. "Feb. 11. 1766. According to agreement the two Houses proceeded to the choice of Civil Officers for the present year, when the undermentioned persons were chosen Collectors of Excise on Spirituous Liquors &c for the several Counties as hereafter mentioned, by a major Vote of the Council and House of Representatives.

Suffolk	M^r^ Thomas Fletcher
Essex	M^r^ Thomas Porter
Middlesex	M^r^ John Remington
Hampshire	M^r^ Lewis Bliss
Worcester	M^r^ Levi Willard
Plymouth	Cap^t^ Nath^l^ Little
Barnstable	M^r^ Enoch Hallet
Bristol	M^r^ Thos Gilbert jun^r^
York	M^r^ David Sewall
Dukes County	M^r^ James Allen jun^r^
Nantucket	Obed Hussey, Esq^r^
Cumberland	M^r^ Theophilus Bradbury
Lincoln	M^r^ Thomas Moulton
Berkshire	M^r^ Israel Dickinson

Consented to by the Governor."—*Council Records, vol. XXVI., p.* 174.

"June 9, 1768. A Petition of Henry Baldwin of Shrewsbury and John Martin of Northborough Inholders—Setting forth—That they were bound with one Jacob Fisk of Hardwick who was also Licensed: That the said Jacob soon after went out of the Province having as they believe never sold any Liquors subject to the duties of Excise: and as the Collector of Excise cannot by Law settle with the Petitioners without the Oath of the said Jacob which cannot now be procured, Praying for relief.

In the House of Representatives. Upon the Petition of Henry Baldwin and John Martin. It appearing to this House that Jacob Fisk mentioned in the Peti-

tion licensed as a Retailer in the County of Worcester to sell Spirituous Liquors at August term 1766 did not sell any spirituous Liquors after his being so licensed. Therefore Resolved that the said Henry Baldwin and John Martin who were bound with the said Jacob Fisk for the payment of his Excise be and hereby are discharged from the Bond aforesaid. In Council, Read and Concurred, Consented to by the Governor."—*Ibid., vol. XXVII., p.* 335.

Chap. 29. "Feb. 11, 1766. Pursuant to agreement the two Houses proceeded to the choice of Civil Officers for the present year, when James Russell Esq^{r} was chosen Commissioner of Impost by a major part of the Votes of the Council and House of Representatives. Consented to by the Governor."—*Council Records, vol. XXVI., p.* 174.

Chap. 31. "June 16, 1763. A Petition of a number of the Inhabitants of S^{o} Brimfield, Praying that the said District may be divided into two seperate Districts by certain metes and bounds therein mentioned, which they apprehend would be greatly to the benefit and advantage of the People in General, which Petition was followed by another from divers other of y^{e} Inhabitants against the division Prayed for. In the House of Representatives Read and Ordered That Col^{o} Bagley and Col^{o} Williams of Roxbury with such as the Hon^{le} Board shall join be a Committee to consider this Petition and report. In Council Read and Referred to Next Session."—*Council Records, vol. XXV., p.* 85.

"June 7, 1764. A Petition of Tristram Davis and Others in behalf of the District of South Brimfield—Setting forth, That they were lately sett off as a seperate District, principally with a view that they should be better accomodated in attending on the publick worship; since which they have been unhappily contending among themselves where to place a House for that purpose, until at length a Vote was obtained by the majority of one only, among which majority were some Anabaptists to place the House within one mile and a half of the East Line of the said District leaving some of the Inhabitants four or five miles remote from it, whereas there is but little odds in the Settlements at each end of the District, and that they have accordingly proceeded to raise the Frame of said House, and in part to cover it. And praying the interposition of this Court for their Relief. In the House of Representatives Read, and in answer to this Petition ordered that Col^{o} Murray and Col^{o} Marcy with Such as the honorable Board shall join be a Committee to repair to the District of South Brimfield for the purposes within mentioned, and make report at the next Session of this Court. In Council Read and Concurred and Timothy Paine Esq^{r} is joined in the Affair."—*Ibid., p.* 233.

"Oct. 27, 1764. A Petition of a number of the Inhabitants of South Brimfield Praying for a Committee of this Court to repair thither, and fix on a Place, whereon to set a Meeting House, as entered 6: June last. In Council Read again together with the Report of the Committee appointed to consider the same; as also the several Answers made thereto, and Ordered That George Leonard, Nathaniel Sparhawk and Thomas Flucker Esq^{rs} with such as the honorable House shall join, be a Committee to take the same under consideration hear the Parties and make Report.

In the House of Representatives Read and Concurred, and Col^{o} Clap, Col^{o} Nichols, M^{r} Wit and Col^{o} Murray are joined in the Affair."—*Ibid., p.* 296.

"Nov. 2, 1764. The Committee appointed the 27: October last on the Petition from South Brimfield having made report, the following Order passed thereon viz^{t} In Council Read and Accepted. And Ordered That the Petition of the District of South Brimfield, preferred to this Court at their Session in May last be dismissed, and the Assessments made on the Inhabitants of said District for raising the sum of £160, for building and finishing a Meeting house thereon are hereby declared void; it appearing that the several Meetings of the Inhabitants, at which the Votes were obtained for raising the same were illegal. And the Collector or Collectors to whom the said Assessments were committed are hereby directed to stay all proceedings in collecting the said sum or any part thereof In the House of Representatives: Read and Concurred Consented to by the Governor."—*Ibid., p.* 312.

"Feb. 12, 1765. A Petition of Joseph Blodget and others of South Brimfield praying for a rehearing on the subject matter of a petition they preferred in the last October Session for fixing on a spot whereon to place their Meeting House, and that the Report of a Committee sent thither for that purpose may be accepted and Confirmed. In the House of Representatives, Read and Ordered, That Major Alden Cap^{t} Taylor of Westfield and M^{r} Lane with such as the Hon^{ble} Board shall join be a Committee to consider this petition and Report. In Council, Read and Concurred, and John Hill & Harrison Gray Esq^{rs} are joined in the affair."—*Ibid., p.* 400.

"Jan. 30, 1766. A Petition of a Number of the Inhabitants of South Brimfield—Setting forth the great Difficulties, that many of them labour under in attending the public Worship, as the Meeting house is placed so as to accommodate only the Inhabitants of the East end of said District—And praying that they may be divided into two Districts, or Societies, by certain Bounds, in their said Petition described—

In the House of Representatives. Read and ordered, that Cap^{t} Thayer, Cap^{t} Brown, and M^{r} Taylor of Westfield, with such as the Hon^{ble} Board shall join, be a Committee to take this Petition under Consideration, and report—In Council, Read and Concurred, and Timothy Paine, & John Bradbury Esq^{rs} are joined in the Affair."—*Ibid., vol. XXVI., p.* 147.

"Jan. 31, 1766. Upon the Petition of the Inhabitants of South Brimfield as entered Yesterday, the following Order passed the two Houses In Council. The Committee appointed upon the within Pet^{n} having reported their Opinion, that the Petitioners should have Liberty to bring in a Bill for the Purposes therein men-

tioned: The said Report was read and accepted, and Ordered that the Petitioners have liberty to bring in a Bill accordingly—In the House of Representatives, Read and Concurred."—*Ibid., p.* 148.

"June 11, 1767. A Petition of Edward Webber agent for the East Parish of South Brimfield—praying for an explanation of the Act for dividing the District of South Brimfield into two separate Parishes: and Setting forth—That there are large Tracts of Land in the said East Parish, which have been advanced in their value by means of their building a Meeting house & settling a Minister, towards which the said Lands have not paid any Tax: and praying for a Tax of three pence ℔' acre for three years on all the Lands in said East Parish, to be applied towards finishing the Meeting house and supporting the Gospel therein.

In the House of Representatives. Read & Resolved That by the Act made in the sixth year of his present Majesty's Reign for dividing the District of South Brimfield into separate Parishes; the Inhabitants of the West parish in said District are not freed from any charges that arose in said District by hiring Preaching previous to the dividing said District into separate Parishes, and previous to the settling a Minister in that part of the said District, now the East Parish. And that the prayer of the Petition be so far granted, that the Selectmen or Assessors of the District of South Brimfield are hereby ordered and impowered to assess all such Sum or Sums of Money that have not been assessed and have been expended in hiring preaching in said District before said District was divided into separate Parishes, and before the settling a Minister in that part of said District now the East Parish, in proportion upon the Inhabitants of the East and West Parish, that are not exempted by Law from Ministerial Taxes, and to commit the same to the Constable of said District to collect. And as to the second part of said Petition: It is further Resolved That the Petitioner insert the substance of that part of the Petition relating to a Land Tax in two of the Boston Newspapers, notifying the nonresident proprietors of Lands in the East parish of South Brimfield to shew cause, if any they have, on the second Tuesday of the next Winter Session of the General Court why the prayer should not be granted. In Council, Read & Concurred. Consented to by the Governor."—*Ibid., vol. XXVII., p.* 43.

"June 10, 1768. A Petition of Joseph Blodget and others Inhabitants of the west Parish in South Brimfield of the Congregational persuation—Setting forth—That the major part of the Inhabitants of the said Parish being Anabaptists assess and compel the Petitioners to pay towards the support of their Minister. And praying that they may be exempted from paying towards the support or building or repairing their meeting house.

In the House of Representatives. Ordered that Col° Edson, Col° Marcy, M^r^ Nash, Col° Milliken and Cap^t^ John Brown who were appointed yesterday to consider this Petition be joined with such as the hon^ble^ Board may appoint.

In Council, Read and Concurred and Nath^l^ Sparhawk, Thomas Flucker, Royall Tyler and Samuel Dexter Esq^rs^ are joined.

A Petition of James Lawrence agent for the west Parish in South Brimfield—Setting forth—That they being mostly of the Baptist persuation, did on the 11^th^ of Septem^r^ 1765 settle M^r^ James Mellen as their Minister, and that in 1766 this Court erected two Parishes in S° Brimfield by which Joseph Blodget and thirteen others of the Congregational persuation were included with them, who signed an Agreement or Covenant to be connected with the Baptist Society and to bear their proportion of charge for the support of said M^r^ Mellen, and for the first year paid their Taxes for that purpose; but refusing the same the 2^d^ year were distreind upon therefor, whereupon the said Joseph did on the 26^th^ of April last commence an action against the assessors of the said west Parish, which action is now pending. And praying that this Court would explain their Act for erecting the said west Parish and cause the said Joseph's action to be stayed in the meantime.

In the House of Representatives. Ordered that Col° Edson, Col° Marcey, M^r^ Nash, Col° Milliken & Cap^t^ John Brown who were appointed yesterday a Committee to consider this Petition be joined with such as the hon^ble^ Board may appoint.

In Council, Read and Concurred & Nath^l^ Sparhawk Thomas Flucker, Royall Tyler and Samuel Dexter Esq^rs^ are joined in the affair."—*Ibid., p.* 344.

"June 21, 1768. The Committee appointed the 10^th^ instant on the Petition of Joseph Blodget and others Congregationalists of the west Parish in South Brimfield, reported their opinion that the said Petition be dismissed.

In Council, Read and accepted: And Ordered that this Petition be dismissed accordingly. In the House of Representatives, Read & Concurred.

The Committee appointed the 10^th^ Instant on the Petition of James Lawrence agent for the west Parish in South Brimfield being mostly Anabaptists reported their opinion that the said Petition be dismissed.

In Council, Read and accepted and Ordered that the Petition be dismissed accordingly. In the House of Representatives, Read & Concurred."—*Ibid., p.* 371.

ACTS,

PASSED 1766–67.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-eighth day of May, A.D. 1766.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his excellency Francis Bernard, Esq[r][*uire*], captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of this government. [*Passed June* 12; *published June* 28.

Grant of £1,300 for the support of his majesty's governor.

CHAPTER 2.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT FOR ERECTING A TOWN IN THE COUNTY OF LINCOLN BY THE NAME OF BRISTOL."

Be it enacted by the Governor, Council and House of Representatives, in General Court assembled,

That the lands contained within the following bounds; viz[t]., beginning at a place called Brown's Cove, on the easterly side of Damariscotta River, at the head or north-east part of said cove, at a stake and heap of stones, being the northerly bounds of the town of Bristol; thence, running, east, according to the present direction of the magnetick needle, being north, six degrees and [an] half west, eleven hundred and twenty poles, to a white-birch tree standing on the westerly bank of Pemaq[a][*u*]id Great Pond, so called; thence, over said pond, to a dry birch-tree standing on the eastern bank of the said pond; thence, running, northerly, on the bank of said pond, until it cometh to the mouth of the river that runneth out of the Upper Pond, so called, into the Great Pond aforesaid; thence, running, northerly, up the said river, one hundred and twenty poles, to a stake standing near the said river; being John Martyn's north-west corner-bounds; thence, running, south-east, six hundred and twenty poles, to a stake standing on Jacob Eaton's line; thence, running, north-east, eighty-four poles, to a stake standing in a fresh meadow; thence, running, south-east, two hundred and four poles, to the eastern creek of Broad Cove, so called, on Muscongus River, to a pine-tree marked on four sides, being said Eaton's north-east corner-bounds (the three last-mentioned lines dividing between

Bounds of the town of Bristol, ascertained. 1765-66, chap. 8.

the English and Dutch settlements); from thence, southerly, down the western shore, on said Muscongus River, to Round Pond, as the sho[a]r[*e*] l[y][*i*]eth, to the bounds mentioned in the act for incorporating the said town of Bristol; and from thence, a direct line to the bounds first mentioned,—be and hereby are annexed to the said town of Bristol, in the county of Lincoln, with all the inhabitants thereon, who hereby are and shall be subjected to do duty and intitled to receive privile[d]ge equal with other inhabitants of the said town of Bristol, to all intents and purposes whatsoever. [*Passed June* 19.

CHAPTER 3.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF ONE HUNDRED AND FIFTY-SEVEN THOUSAND POUNDS, TO BE APPLIED FOR THE REDEMPTION OF GOVERNMENT SECURITIES THAT WILL BECOME DUE IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SIXTY-SEVEN.

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £157,000.

[SECT. 1.] That the treasurer of the province be and he hereby is directed and impowered to borrow, of such person or persons as shall appear ready to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding one hundred and fifty-seven thousand pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government;" and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the said sum the treasurer shall give his receipt or obligation in the form following:—

1749-50, chap. 19.

Form of the treasurer's notes.

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer, to repay the said or to his order, the [20] [*twentie*]th day of June, one thousand seven hundred and sixty-eight, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined gold and silver enumerated in an act made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with [*the*] interest, annually, at five per cent.

Witness my hand. H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

—and no receipt shall be given for less than six pounds.

Treasurer to observe the directions of the act of the second of his present majesty. 1761-62, chap. 23.

[SECT. 2.] And the treasurer, in issuing said receipts and obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his present majesty's reign, intit[*u*]led "An Act to supply the treasury with the sum of twenty-five thousand pounds."

And be it further enacted,

Money bor-

[SECT. 3.] That the said sum of one hundred and fifty-seven thou-

sand pounds, ordered to be borrowed by this act, when received into the treasury, shall be applied by the treasurer for the redemption of government securities that will become due in June, one thousand seven hundred and sixty-seven.

rowed, to be applied for the redemption of government securities.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receip[t]s and obligations (with the interest that may be due thereon), by him given in pursuance of this act, we, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in great and general court assembled, have chearfully given and granted unto his most excellent majesty a tax of one hundred and sixty-five thousand eight hundred and fifty pounds, to be levied on polls, and estates both real and personal, within the province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the great and [and] general court or assembly at their session in May, one thousand seven hundred and sixty-seven, and to be paid into the public treasury on or before the thirty-first day of March, one thousand seven hundred and sixty-eight; and pray that it may be enacted.

Tax granted for the sum borrowed, to be paid into the treasury 31st March, 1768.

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 4.] That there be and hereby is granted unto his most excellent majesty a tax of one hundred and sixty-five thousand eight hundred and fifty pounds, to be accordingly levied on polls, and estates both real and personal, within the province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the general court or assembly at their sessions in May, one thousand seven hundred and sixty-seven, and to be paid into the public treasury on or before the thirty-first day of March, one thousand seven hundred and sixty-eight.

And be it further enacted,

[Sect. 5.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-seven, and some time before the twentieth day of June in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

If the court shall not apportion the tax in May, 1767, the tax shall then be apportioned as in the tax act preceding.

[Sect. 6.] And the province treasurer is hereby impowered and directed, some time in the month of June, in the same year, one thousand seven hundred and sixty-seven, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at or before the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act. [*Passed June* 27; *published June* 28.

Province treasurer to issue his warrants accordingly.

CHAPTER 4.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF EIGHTEEN THOUSAND POUNDS.

Preamble.

WHEREAS no provision is made to defrey the charges of government for the present year; *and whereas* the treasurer has represented to this court, that, when the taxes for the year one thousand seven hundred and sixty-five are paid into the treasury, with the excise upon spirituous liquors, there will be a surplusage in the treasury of at least eighteen thousand pounds,—

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £18,000.

[SECT. 1.] That the treasurer be and he hereby is directed to apply the aforesaid sum of eighteen thousand pounds to defrey the charges of government for the ensuing year, to be issued in the manner following; that is to say, the sum of seven thousand and five hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the payment of grants made or to be made by this court; and the further sum of three thousand and three hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of five hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the purchasing [of] provisions and the commissary's disbursements for the service of the several forts and garrisons within this province; and the further sum of fifteen hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the discharge of debts owing from this province to persons who have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned them for that purpose, and for paper, writing and printing for this court, and repairs of the province-house, court-house, lighthouse, wood at Castle William, and repairs of fortifications within this province; and the further sum of four thousand pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the payment of [the] expences of the several forts and garrisons within this province; and the further sum of eleven hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the payment of the bounty upon wheat and flour; and the further sum of one hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied to pay such contingent and unforeseen charges as may arise, and for no other purpose whatever.

How appropriated.

And be it further enacted,

Treasurer to pay the money out of the appropriations directed by warrant.

[SECT. 2.] That the treasurer pay the aforesaid sum of eighteen thousand pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and account of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts of charge, after payment thereof. [*Passed June* 27; *published June* 28.

CHAPTER 5.

AN ACT FOR REPEALING TWO ACTS, ONE, INTIT[U]LED "AN ACT FOR PREVENTING FRAUD IN DEBTORS, AND FOR SECURING THE EFFECTS OF INSOLVENT DEBTORS FOR THE BENEFIT OF THEIR CREDITORS," THE OTHER ACT, INTIT[U]LED "AN ACT IN ADDITION TO 'AN ACT FOR PREVENTING FRAUD IN DEBTORS, AND FOR SECURING THE EFFECTS OF INSOLVENT DEBTORS FOR THE BENEFIT OF THEIR CREDITORS,'" BOTH MADE IN THE FIFTH YEAR OF HIS PRESENT MAJESTY'S REIGN.

Disallowed by the privy council, July 24, 1767.

Whereas by experience it has been found that the two acts made in the fifth year of his present majesty's reign, for preventing fraud in debtors, and for securing the effects of insolvent debtors for the benefit of their creditors, have not answered the good purposes therein designed,— Preamble. 1764–65, chap. 35. 1765–66, chap. 2.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the two acts aforesaid be and hereby are repealed, and every clause and paragraph therein. Two acts repealed.

Provided, nevertheless,—

[Sect. 2.] That this act shall not be so construed as to extend to any case where trustees have been already appointed, or where application, agre[*e*]able to law, has been heretofore made to either of the justices of the superio[*u*]r court, for any person or persons that are intitled to the benefit of said acts. [*Passed June* 27; *published June* 28.

"These, my Lords, are the reasons assigned by His Majesty's Governor for passing these Laws; and upon a full consideration thereof, and a due attention to the Laws themselves, they did appear to us to be, both in their principle and provision, just and necessary Regulations; and it was a great satisfaction to us to see the Legislature of this Province adopting a measure, calculated in general to give stability to public credit and security to the Foreign Creditor.

As it appeared however that the Laws were of temporary duration, we thought it advisable to suffer them to lye by probationally, trusting that what the Province had for the present only adopted as an experiment, would have been found so convenient and advantageous as might have induced a future Law, by which a provision in cases of Insolvency might have been made in this (as it is in most other Colonies) a permanent part of the Constitution; Your Lordships however will observe, that, by the Act which we now lay before you, both these Laws, represented by His Majesty's Governor to have been so essential to public credit and the security of the foreign Creditor, are entirely set aside, upon a general suggestion of inconvenience, unaccompanied with any representation of what that inconvenience was, or without any clause suspending the execution of this Act of repeal, until His Majesty's pleasure could have been known; and therefore we beg leave to recommend to Your Lordships to advise His Majesty to reject it."—*Report of Lords of Trade, June* 26, 1767: "*Mass. Bay, B. T.,*" *vol.* 86, *p.* 223, *in Public-Record Office.*

CHAPTER 6.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FORTY THOUSAND POUNDS; AND ALSO FOR APPORTIONING AND ASSESSING A TAX OF TWO THOUSAND FIVE HUNDRED AND FIFTY-THREE POUNDS TWO SHILLINGS AND SIXPENCE, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE; ALSO FOR APPORTIONING AND ASSESSING A TAX OF NINETY-EIGHT POUNDS SEVEN SHILLINGS, LAID UPON TOWNS THAT HAVE NOT SENT ANY PERSON TO REPRESENT THEM IN THE GENERAL COURT THE PRESENT YEAR; [*A*]ND ALSO, FOR ASSESSING THE TOWN OF SWANZEY THE SUM OF FIFTY POUNDS, BEING PART OF THE SUM OF THREE HUNDRED POUNDS LENT SAID TOWN

IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR; AND ALSO, [*FOR AS**]SESSING THE TOWN OF DEERFIELD THE SUM OF TWENTY-FIVE POUNDS SEVENTEEN SHILLINGS AND ONE PENNY, PAID OUT OF THE PUBLIC TREASURY TO JOHN WORTHINGTON, ESQ[R]., AND OTHERS, A COMMITTEE TO ENABLE [*THEM TO**] RUN THE LINE BETWEEN DEERFIELD AND HUNT'S TOWN; AND ALSO, FOR ASSESSING THE SUM OF TEN POUNDS TWO SHILLINGS AND SIXPENCE ON THE DISTRICT OF NEW SALEM, BEING SO MUCH PAID THE SELECTMEN [*OF SUN**]DERLAND IN FULL OF ANY DISPUTES BETWEEN THE TOWN OF SUNDERLAND AND DISTRICT OF NEW SALEM, RELATIVE TO REPRESENTATIVES' PAY; AND ALSO, FOR ASSESSING THE SUM OF THIRTY-SIX POUNDS [*NI**]NETEEN SHILLINGS AND TENPENCE HALFPENNY ON THE TOWN OF FALMOUTH, AND THE SUM OF SIX POUNDS NINE SHILLINGS AND FOURPENCE ON THE TOWN OF NORTH YARMOUTH, AND THE SUM OF FIVE POUNDS FIFTEEN SHILLINGS AND TWOPENCE ON THE TOWN OF BRUNSWICK, MAKING IN THE WHOLE THE SUM OF FORTY-NINE POUNDS FOUR SHILLINGS AND FOURPENCE HALFPENNY, BEING A TAX REMITTED GORHAMTOWN, FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR, AND ORDERED TO BE ADDED TO THE PRESENT YEAR'S TAX OF THE SEVERAL TOWNS AFORESAID, AND IN MANNER AFORESAID; WHICH TAXES ARE TO BE OVER AND ABOVE THEIR PROPORTION OF WHAT WAS LAID ON SAID TOWNS; WHICH SUMS AMOUNT TO FORTY-TWO THOUSAND SEVEN HUNDRED EIGHTY-SIX POUNDS THIRTEEN [*SH**]ILLINGS AND FIVEPENCE HALFPENNY.

1765-66, chap. 9, § 4.

WHEREAS the great and general court or assembly of this province, by an act made and passed at their sessions in May, one thousand seven hundred and sixty-five, on the grant of the house of representatives, agreed upon and ordered a tax of one hundred and ninety-seven thousand pounds; *and whereas* by the act aforesaid provision is made that the general court, at their present session, might apportion the same on the several towns, districts, parishes and places within this province, if they should think fit; yet inasmuch as such a heavy tax will be extremely burthensome to the inhabitants of this province, under their present distressed circumstances, and as some of the possessors of the government securities, for the redemption of which the aforesaid sum of one hundred ninety-seven thousand pounds is applied, are willing to continue their money upon loan, payable at a further period, which, with the tax of forty thousand pounds now agreed to be assessed and levied this year, will be sufficient to redeem the government securities, with the interest thereon, which will become due in June, [1767] [*one thousand seven hundred and sixty-seven*]; wherefore, for the ordering, directing and effectually drawing in the sum of forty-two thousand seven hundred eighty-six pounds thirteen shillings and fivepence halfpenny, and to the end that the same may be apportioned, assessed and levied in the easiest manner we are able, for the benefit of his majesty's subjects, and also that his majesty's government within this province may have the better and more speedy effect of said grant, we, his majesty's most loyal[l] and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That each town, district, parish or other place within this province be assessed and pay, as such town, district, parish and place's proportion of the sum of forty-two thousand seven hundred and eighty-six pounds thirteen shillings and fivepence halfpenny, the several sums following; that is to say.—

* Parchment mutilated.

IN THE COUNTY OF SUFFOLK.

[TOWNS' NAMES.]	FINES.	REP[*RESENTA-TI*]VES' PAY.	PROVINCE TAX.	SUM TOTAL.	
[B*]oston . .	£0 0*s.* 0*d.*	£65 5*s.* 0*d.*	£4,517 5*s.* 4*d.*	Four thousand five hundred [*and*] eighty-two pounds ten shillings and fourpence	£4,582 10*s.* 4*d.*
[R*]oxbury . .	0 0 0	17 10 0	490 13 4	Five hundred and eighteen pounds three shillings and fourpence	518 3 [4*]
Dorchester . .	0 0 0	18 15 0	303 13 4	Three hundred and twenty-two pounds eight shillings and fourpence	322 8 4
Milton . . .	0 0 0	19 10 0	201 13 4	Two hundred and twenty-one pounds three shillings and fourpence	221 3 4
Braintree . .	0 0 0	23 0 0	390 16 8	Four hundred and thirteen pounds sixteen shillings and eightpence	413 16 8
Weymouth . .	0 0 0	22 15 0	196 16 8	Two hundred and nineteen pounds eleven shillings and eightpence	219 11 8
Hingham . . .	0 0 0	23 10 0	399 6 8	Four hundred and twenty-two pounds sixteen shillings and eightpence	422 16 8
Dedham . . .	0 0 0	23 0 0	344 0 0	Three hundred and sixty-seven pounds	367 0 0
Medfield . . .	0 0 0	23 10 0	157 3 4	One hundred and eighty pounds thirteen shillings and fourpence	180 13 4
Wrentham . .	0 0 0	0 0 0	300 18 5	Three hundred pounds eighteen shillings and fivepence . .	300 18 5
Brookline . .	10 0 0	0 0 0	135 7 6	One hundred and forty-five pounds seven shillings and sixpence	145 7 6
Needham . .	0 0 0	0 0 0	135 12 5	One hundred and thirty-five pounds twelve shillings and fivepence	135 12 5
Stoughton . .	0 0 0	15 3 6	181 19 7	One hundred and ninety-seven pounds three shillings and one penny	197 3 1
Medway . . .	0 0 0	23 10 0	110 16 8	One hundred and thirty-four pounds six shillings and eightpence	134 6 8
Bellingham . .	0 0 0	0 0 0	67 3 4	Sixty-seven pounds three shillings and fourpence . . .	67 3 4
Hull	0 0 0	0 0 0	38 13 4	Thirty-eight pounds thirteen shillings and fourpence . . .	38 13 4
Walpole . . .	8 0 0	0 0 0	118 0 0	One hundred and twenty-six pounds	126 0 0
Chelsea . . .	0 0 0	0 0 0	107 3 4	One hundred and seven pounds three shillings and fourpence .	107 3 4
Stoughtonham District . . .	0 0 0	7 6 6	87 17 2	Ninety-five pounds three shillings and eightpence . . .	95† 3 8
	£18 0*s.* 0*d.*	£282 15*s.* 0*d.*	£8,285 0*s.* 5*d.*	Eight thousand five hundred and eighty-five pounds fifteen shillings and fivepence	£8,585 15*s.* 5*d.*

* Parchment mutilated.

† "Ninety-three," in the printed act.

IN THE COUNTY OF ESSEX.

[TOWNS' NAMES.]	FINES.	REP[*RESENTATIVES* PAY.	PROVINCE TAX.	SUM TOTAL.			
Salem	£0 0*s.* 0*d.*	£32 10*s.* 0*d.*	£747 16*s.* 8*d.*	Seven hundred and eighty pounds six shillings and eightpence,	£780	[*6s. 8d.**]	
Danvers	0 0 0	23 5 0	330 16 8	Three hundred and fifty-four pounds one shilling and eightpence	354	1	8
Ipswich	0 0 0	22 15 0	740 13 4	Seven hundred [*and*] sixty-three pounds eight shillings and fourpence	763	8	4
Newbury	0 0 0	25 10 0	568 14 1¾	Five hundred [*and*] ninety-four pounds four shillings and one penny three farthings	[*594*	*4*	*1¾**]
Newburyport	0 0 0	24 0 0	454 12 6¼	Four hundred [*and*] seventy-eight pounds twelve shillings and sixpence one farthing	[*478*	*12*	*6¼**]
Marblehead	0 0 0	19 15 0	657 6 8	Six hundred [*and*] seventy-seven pounds one shilling and eightpence	677	1	8
[*Lynn**]	0 0 0	23 0 0	318 6 8	Three hundred [*and*] forty-one pounds six shillings and eightpence	341	6	8
[*Andover**]	0 0 0	24 10 0	503 10 0	Five hundred and twenty-eight pounds	528	0	0
[*Beverly**]	0 0 0	24 0 0	313 6 8	Three hundred and thirty-seven pounds six shillings and eightpence	337	6	8
Row[*ley**]	0 0 0	25 0 0	309 16 8	Three hundred and thirty-four pounds sixteen shillings and eightpence	334	16	8
Salisbury	0 0 0	23 5 0	240 3 4	Two hundred [*and*] sixty-three pounds eight shillings and fourpence	263	8	4
Haverhill	0 0 0	25 10 0	384 13 4	Four hundred and ten pounds three shillings and fourpence	410	3	4
Glocester	0 0 0	30 10 0	482 3 4	Five hundred and twelve pounds thirteen shillings and fourpence	512	13	4
Topsfield	0 0 0	21 15 0	135 10 0	One hundred and fifty-seven pounds five shillings	157	5	0
Boxford	0 0 0	24 10 0	162 13 4	One hundred and eighty-seven pounds three [shillings] and fourpence	187	3	4
Almsbury	0 0 0	26 10 0	245 0 0	Two hundred and seventy-one pounds ten shillings	271	10	0
Bradford	0 0 0	24 15 0	180 16 8	Two hundred and five pounds eleven shillings and eightpence	205	11	8
Wenham	6 15 0	0 0 0	99 16 8	One hundred and six pounds eleven shillings and eightpence	106	11	8
Middleton	7 17 0	0 0 0	116 0 0	One hundred and twenty-three pounds seventeen shillings	123	17	0
Manchester	5 15 0	0 0 0	84 16 8	Ninety pounds eleven shillings and eightpence	90	11	8
Methuen	0 0 0	0 0 0	130 16 8	One hundred and thirty pounds sixteen shillings and eightpence	130	16	8
	£20 7*s.* 0*d.*	£421 0*s.* 0*d.*	£7,207 10*s.* 0*d.*	Seven thousand six hundred and forty-eight pounds seventeen shillings	£7,648	17*s.*	0*d.*

IN THE COUNTY OF MIDDLESEX.

	£	s.	d.	£	s.	d.	£	s.	d.		£	s.	d.
[C*]ambridge . .	0	0	0	33	15	0	361	13	4	Three hundred and ninety-five pounds eight shillings and fourpence	395	8	4
Charlestown . .	0	0	0	18	15	0	354	3	4	Three hundred and seventy-two pounds eighteen shillings and fourpence	372	18	4
Watertown . .	0	0	0	22	10	0	145	10	0	One hundred and sixty-eight pounds	168	0	0
Woburn . . .	0	0	0	17	5	0	261	0	0	Two hundred and seventy-eight pounds five shillings . . .	278	5	0
Concord . . .	0	0	0	23	10	0	239	16	8	Two hundred and sixty-three pounds six shillings and eightpence	263	6	8
Newton . . .	0	0	0	21	15	0	247	6	8	Two hundred and sixty-nine pounds one shilling and eightpence	269	1	8
Reading .	0	0	0	21	10	0	262	6	8	Two hundred and eighty-three pounds sixteen shillings and eightpence	283	16	8
Marlborough . .	0	0	0	23	15	0	294	6	8	Three hundred and eighteen pounds one shilling and eightpence	318	1	8
Billerica . . .	0	0	0	22	0	0	196	0	0	Two hundred and eighteen pounds	218	0	0
Framingham . .	0	0	0	24	10	0	225	10	0	Two hundred and fifty pounds	250	0	0
Lexington . .	0	0	0	22	0	0	163	10	0	One hundred and eighty-five pounds ten shillings . . .	185	10	0
Chelmsford . .	0	0	0	24	10	0	169	0	0	One hundred and ninety-three pounds ten shillings . . .	193	10	0
Sherburne . .	0	0	0	0	0	0	106	0	0	One hundred and six pounds	106	0	0
Sudbury . . .	0	0	0	21	10	0	296	10	0	Three hundred and eighteen pounds	318	0	0
Malden . . .	0	0	0	18	15	0	143	0	0	One hundred and sixty-one pounds fifteen shillings . . .	161	15	0
Weston . . .	0	0	0	23	0	0	146	0	0	One hundred and sixty-nine pounds	169	0	0
Medford . . .	0	0	0	18	15	0	169	10	0	One hundred and eighty-eight pounds five shillings . . .	188	5	0
Littleton . . .	0	0	0	0	0	0	128	6	8	One hundred [*and*] twenty-eight pounds six shillings and eightpence	128	6	8
Hopkinsto[w]n .	9	0	0	24	10	0	131	6	8	One hundred and sixty-four pounds sixteen shillings and eightpence	164	16	8
Westford . . .	0	0	0	20	10	0	153	16	8	One hundred [*and*] seventy-four pounds six shillings and eightpence	174	6	8
Shirley . . .	0	0	0	3	7	6	48	10	10	Fifty-one pounds seventeen shillings and tenpence . . .	51	17	10
Waltham . .	0	0	0	22	5	0	135	10	0	One hundred and fifty-seven pounds five shillings . . .	157	5	0
Towns[*h*]end . .	0	0	0	0	0	0	64	6	8	Sixty-four pounds six shillings and eightpence	64	6	[8*]
Stow . . .	0	0	0	24	10	0	113	9	3½	One hundred thirty-seven pounds nineteen shillings and threepence halfpenny	137	[19	3½*]
Stoneham . .	0	0	0	0	0	0	59	6	8	Fifty-nine pounds six shillings and eightpence	59	6	[8*]
Groton . . .	0	0	0	14	0	0	197	13	4	Two hundred and eleven pounds thirteen shillings and fourpence	211	13	[4*]

* Parchment mutilated.

IN THE COUNTY OF MIDDLESEX—*Continued.*

[TOWNS' NAMES.]	FINES.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Wilmingto[w]n .	£7 0*s.* 0*d.*	£0 0*s.* 0*d.*	£102 13*s.* 4*d.*	One hundred and nine pounds thirteen shillings and fourpence,	£109 [13*s.* 4*d.**]
Natick . . .	0 0 0	0 0 0	58 1 0	Fifty-eight pounds one shilling	58 1 0
Dracut . . .	0 0 0	0 0 0	87 10 0	Eighty-seven pounds ten shillings	87 10 0
Bedford . . .	0 0 0	0 0 0	77 0 0	Seventy-seven pounds	77 0 0
Holliston . . .	6 15 0	0 0 0	99 6 8	One hundred and six pounds one shilling and eightpence . .	106 1 8
Tewksbury . .	0 0 0	0 0 0	109 13 4	One hundred and nine pounds thirteen shillings and fourpence,	109 13 4
Acton . . .	6 5 0	0 0 0	92 6 8	Ninety-eight pounds eleven shillings and eightpence . . .	98 11 8
Dunstable . .	0 0 0	0 0 0	93 0 0	Ninety-three pounds	93 0 0
Pepper[r]ell . .	0 0 0	6 2 6	73 6 8	Seventy-nine pounds nine shillings and twopence . . .	79 9 2
Lincoln . . .	0 0 0	11 15 0	100 0 0	One hundred and eleven pounds fifteen shillings	111 15 0
	£29 0*s.* 0*d.*	£484 15*s.* 0*d.*	£5,706 7*s.*9 [$\frac{1}{2}$§]	Six thousand two hundred and twenty pounds two shillings and ninepence	£6,220 2*s.* 9*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield . .	£0 0*s.* 0*d.*	£8 0*s.* 0*d.*	£439 5*s.* 9$\frac{3}{4}$*d.*	Four hundred and forty-seven pounds five shillings and ninepence three farthings	£447 5*s.* 9$\frac{3}{4}$*d.*
North[-h]ampton .	0 0 0	14 12 0	227 10 5$\frac{3}{4}$	Two hundred and forty-two pounds two shillings and fivepence three farthings	242 2 5$\frac{3}{4}$
South[-h]ampton .	0 0 0	3 8 0	53 6 8	Fifty-six pounds fourteen shillings and eightpence . . .	56 14 8
Hadley . . .	0 0 0	11 10 0	103 10 0	One hundred and fifteen pounds	115 0 0
South Hadley . .	0 0 0	12 10 0	108 16 8	One hundred and twenty-one pounds six shillings and eightpence	121 6 8
Amherst . . .	0 0 0	7 10 0	75 16 8	Eighty-three pounds six shillings and eightpence	83 6 8
Hatfield . . .	0 0 0	18 5 0	151 10 7	One hundred and sixty-nine pounds fifteen shillings and sevenpence	169 15 7
Westfield . .	0 0 0	29 0 0	176 10 6	Two hundred and five pounds ten shillings and sixpence . .	205 10 6
Deerfield . . .	0 0 0	10 8 0	130 10 5	One hundred and thirty-eight† pounds eighteen shillings and fivepence	138† 18 5
Greenfield . .	0 0 0	5 2 0	38 19 10	Forty-four pounds one shilling and tenpence	44 1 10
Sunderland . .	0 0 0	0 0 0	66 6 8	Sixty-six pounds six shillings and eightpence	66 6 8
Montague . .	0 0 0	0 0 0	47 3 4	Forty-seven pounds three shillings and fourpence	47 3 4
Northfield . .	0 0 0	0 0 0	63 10 0	Sixty-three pounds ten shillings	63 10 0

Brimfield	0	0	0	11	5	0	100	16	0	One hundred and twelve pounds one shilling	112	1	0
South Brimfield	0	0	0	7	0	0	61	14	6	Sixty-eight pounds fourteen shillings and sixpence	68	14	6
Monson	0	0	0	7	0	0	37	18	8	Forty-four pounds eighteen shillings and eightpence	44	18	8
Pelham	0	0	0	0	0	0	75	0	0	Seventy-five pounds	75	0	0
Greenwich	0	0	0	0	0	0	58	6	8	Fifty-eight pounds six shillings and eightpence	58	6	8
Blanford	0	0	0	0	0	0	49	3	4	Forty-nine pounds three shillings and fourpence	49	3	4
Palmer	0	0	0	0	0	0	75	3	4	Seventy-five pounds three shillings and fourpence	75	3	4
Gr[e][a]nville	0	0	0	0	0	0	88	13	4	Eighty-eight pounds thirteen shillings and fourpence	88	13	4
New Salem	0	0	0	0	0	0	62	12	6	Sixty-two pounds twelve shillings and sixpence	62	12	6
Belcherstown	0	0	0	0	0	0	45	3	4	Forty-five pounds three shillings and fourpence	45	3	4
Colrain	0	0	0	0	0	0	31	10	0	Thirty-one pounds ten shillings	31	10	0
Ware	0	0	0	0	0	0	19	13	4	Nineteen pounds thirteen shillings and fourpence	19	13	4
Enfield	0	0	0	0	0	0	170	0	5	One hundred and seventy pounds and fivepence	170	0	5
Somers	0	0	0	0	0	0	129	15	5	One hundred and twenty-nine pounds fifteen shillings and fivepence	129	15	5
Roxbury-Canada	0	0	0	0	0	0	0	0	0	– – – – – –	0	0	0
Bernardsto[w]n	0	0	0	0	0	0	10	6	0	Ten pounds six shillings	10	6	0
Charlemont	0	0	0	0	0	0	4	0	0	Four pounds	4	0	0
Shutesbury	0	0	0	0	0	0	29	10	0	Twenty-nine pounds ten shillings	29	10	0
Chesterfield	0	0	0	0	0	0	4	0	0	Four pounds	4	0	0
Suffield	0	0	0	0	0	0	284	16	4	Two hundred and eighty-four pounds sixteen shillings and fourpence	284	16	4
Wil[d][*l*]braham	0	0	0	10	15	0	65	18	0	Seventy-six pounds thirteen shillings	76	13	0
Ashfield	0	0	0	0	0	0	7	4	0	Seven pounds four shillings	7	4	0
	£0	0*s.*	0*d.*	£156	5*s.*	0*d.*	£3,094	2*s.*	9[½§]*d.*	Three thousand[s] two hundred and fifty pounds seven shillings and ninepence	£3,250	7*s.*	9*d.*

IN THE COUNTY OF BERKSHIRE.

Sheffield	£0	0*s.*	0*d.*	£13	15*s.*	0*d.*	£132	5*s.*	0*d.*	One hundred and forty-six pounds	£146	0*s.*	0*d.*
Great Barrington	0	0	0	13	10	0	76	5	0	Eighty-nine pounds fifteen shillings	89	15	0
Egremont	0	0	0	6	5	0	48	10	0	Fifty-four pounds fifteen shillings	54	15	0
Stockbridge	0	0	0	29	5	0	28	18	4	Fifty-eight pounds three shillings and fourpence	[*58*	*3*	*4**]
Pittsfield	0	0	0	21	15	0	29	10	0	Fifty-one pounds five shillings	[*51*	*5*	*0**]
New Marlborough	0	0	0	0	0	0	45	1	8	Forty-five pounds one shilling and eightpence	45	[*1*	*8**]
Rich[mount][*mont*],	0	0	0	0	0	0	5	10	0	Five pounds ten shillings	[*5*	*10*	*0**]
Tyringham	0	0	0	20	0	0	31	10	0	Fifty-one pounds ten shillings	51	[*10*	*0**]

* Parchment mutilated. † *Sic.* § Not in the parchments.

IN THE COUNTY OF BERKSHIRE—*Continued.*

[TOWNS' NAMES.]	FINES.	REP[*RESENTATIVE*]'S PAY.	PROVINCE TAX.	SUM TOTAL.	
Lanesborough	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£8 0*s.* 0*d.*	Eight pounds	£8 0*s.* 0*d.*
Sandisfield	0 0 0	0 0 0	31 10 0	Thirty-one pounds ten shillings	31 10 0
Williamstown	0 0 0	0 0 0	8 0 0	Eight pounds	8 0 0
Becket[t]	0 0 0	0 0 0	8 0 0	Eight pounds	8 0 0
	£0 0*s.* 0*d.*	£104 10*s.* 0*d.*	£453 0*s.* 0*d.*	Five hundred and fifty-seven pounds ten shillings	£557 10*s.* 0*d.*

IN THE COUNTY OF WORCESTER.

Worcester	£0 0*s.* 0*d.*	£17 7*s.* 6*d.*	£243 7*s.* 6*d.*	Two hundred and sixty pounds fifteen shillings	£260 15*s.* 0*d.*
Lancaster	0 0 0	24 15 0	290 15 10	Three hundred and fifteen pounds ten shillings and tenpence	315 10 10
Mendon	0 0 0	20 5 0	233 13 4	Two hundred and fifty-three pounds eighteen shillings and fourpence	253 18 4
Woodstock	0 0 0	0 0 0	327 6 11	Three hundred and twenty-seven pounds six shillings and elevenpence	327 6 11
Brookfield	0 0 0	26 0 0	212 8 4	Two hundred and thirty-eight pounds eight shillings and fourpence	238 8 4
Oxford	0 0 0	18 10 0	128 12 6	One hundred and forty-seven pounds two shillings and sixpence	147 2 6
Charlton	0 0 0	8 10 0	42 0 0	Fifty pounds ten shillings	50 10 0
Sutton	0 0 0	26 10 0	245 10 6	Two hundred and seventy-two pounds and sixpence	272 0 6
Rutland	0 0 0	10 3 0	141 13 1¼	One hundred and fifty-one pounds sixteen shillings and one penny one farthing	151 16 1¼
Oak[*h*]am	0 0 0	1 16 0	23 12 1¾	Twenty-five pounds eight shillings and [a][*one*] pen[*n*]y three farthings	25 8 1¾
New Braintree	0 0 0	0 0 0	65 12 6	Sixty-five pounds twelve shillings and sixpence	65 12 6
District of Rutland,	0 0 0	5 11 0	78 19 2	Eighty-four pounds ten shillings and twopence	84 10 2
Leicester	0 0 0	12 18 0	119 11 5	One hundred and thirty-two pounds nine shillings and fivepence	132 9 5
District of Spencer	0 0 0	7 14 0	71 5 10	Seventy-eight pounds nineteen shillings and tenpence	78 19 10
District of Paxton	0 0 0	6 8 0	59 18 7	Sixty-six pounds six shillings and sevenpence	66 6 7
Southborough	0 0 0	23 10 0	112 16 8	One hundred and thirty-six pounds six shillings and eightpence	136 6 8

Westborough	0	0	0	16	1	0	111	14	10	One hundred and twenty-seven pounds fifteen shillings and tenpence	127	15	10
Shrewsbury	0	0	0	22	15	0	204	19	5	Two hundred and twenty-seven pounds fourteen shillings and fivepence	227	14	5
Lunenburg	0	0	0	21	4	0	127	2	5	One hundred and forty-eight pounds six shillings and fivepence	148	6	5
Uxbridge	0	0	0	0	0	0	148	11	8	One hundred and forty-eight pounds eleven shillings and eightpence	148	11	8
Harvard	0	0	0	25	10	0	134	0	0	One hundred and fifty-nine pounds ten shillings [&]	159	10	0
Dudley	6	0	0	0	0	0	83	16	8	Eighty-nine pounds sixteen shillings and eightpence	89	16	8
Bolton	0	0	0	17	0	0	127	11	8	One hundred [*and*] forty-four pounds eleven shillings and eightpence	144	11	8
Upton	0	0	0	0	0	0	56	5	0	Fifty-six pounds five shillings	56	5	0
Sturbridge	0	0	0	10	5	0	93	15	0	One hundred and four pounds	104	0	0
[*Leom**]inster	0	0	0	0	0	0	84	0	0	Eighty-four pounds	84	0	0
[*Ha**]rdwick	0	0	0	15	0	0	106	0	0	One hundred and twenty-one pounds	121	0	0
Holden	0	0	0	0	0	0	60	0	0	Sixty pounds	60	0	0
Western	0	0	0	0	0	0	80	0	0	Eighty pounds	80	0	0
Douglass	0	0	0	0	0	0	39	7	6	Thirty-nine pounds seven shillings and sixpence	39	7	6
Grafton	0	0	0	0	0	0	107	13	4	One hundred and seven pounds thirteen shillings and fourpence,	107	13	4
Petersham	6	0	0	0	0	0	87	11	8	Ninety-three pounds eleven shillings and eightpence	93	11	8
Westminster	0	0	0	0	0	0	60	15	10	Sixty pounds fifteen shillings and tenpence	60	15	10
Athol	0	0	0	0	0	0	31	10	0	Thirty-one pounds ten shillings	31	10	0
Templeton	0	0	0	0	0	0	19	13	4	Nineteen pounds thirteen shillings and fourpence	19	13	4
Princetown	0	0	0	0	0	0	29	10	0	Twenty-nine pounds ten shillings	29	10	0
Ashburnham	0	0	0	0	0	0	23	13	4	Twenty-three pounds thirteen shillings and fourpence	23	13	4
Winchendon	0	0	0	0	0	0	19	13	4	Nineteen pounds thirteen shillings and fourpence	19	13	4
Fitchburg	0	0	0	5	6	0	29	14	3	Thirty-five pounds and threepence	35	0	3
Northborough	0	0	0	9	9	0	67	0	2	Seventy-six pounds nine shillings and twopence	76	9	2
	£12	0*s.*	0*d.*	£352	7*s.*	6*d.*	£4,331	3*s.*	9*d.*	Forty-six hundred and ninety-five pounds eleven shillings and threepence	£4,695	11*s.*	3*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth	£0	0*s.*	0*d.*	£24	15*s.*	0*d.*	£258	3*s.*	4*d.*	Two hundred and eighty-two pounds eighteen shillings and fourpence	£282	18*s.*	4*d.*
Scituate	0	0	0	24	15	0	422	3	4	Four hundred and sixty-six pounds eighteen shillings and fourpence	466	18	4

* Parchment mutilated.

IN THE COUNTY OF PLYMOUTH—*Continued.*

[TOWNS' NAMES.]	FINES.	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Duxbury	£9 0*s.* 0*d.*	£21 0*s.* 0*d.*	£142 16*s.* 8*d.*	One hundred and seventy-two pounds sixteen shillings and eightpence	£172 16*s.* 8*d.*
Marshfield	0 0 0	25 0 0	192 13 4	Two hundred and seventeen pounds thirteen shillings and fourpence	217 13 4
Bridgwater	0 0 0	22 15 0	531 13 4	Five hundred and fifty-four pounds eight shillings and fourpence	554 [*8* *4**]
Middleborough	0 0 0	23 10 0	388 16 8	Four hundred and twelve pounds six shillings and eightpence	412 6 8
[*Ro**]chester	0 0 0	27 10 0	241 5 0	Two hundred [*and*] sixty-eight pounds fifteen shillings	268 15 0
[*Plym**]pton	0 0 0	25 10 0	155 6 8	One hundred and eighty pounds sixteen shillings and eightpence	[*180* *16* *8**]
[*Pem**]bro[o]k[*e*]	0 0 0	19 0 0	187 3 4	Two hundred and six pounds three shillings and fourpence	206 3 4
[*Ki**]ngston	0 0 0	0 0 0	109 0 0	One hundred and nine pounds	109 0 0
Hanover	0 0 0	0 0 0	109 16 8	One hundred and nine pounds sixteen shillings and eightpence,	109 16 8
Abington	0 0 0	20 10 0	142 10 0	One hundred and sixty-three pounds	163 0 0
Halifax	0 0 0	0 0 0	77 5 0	Seventy-seven pounds five shillings	77 5 0
Warham	0 0 0	0 0 0	50 10 0	Fifty pounds ten shillings	50 10 0
	£9 0*s.* 0*d.*	£234 5*s.* 0*d.*	£3,009 3*s.* 4*d.*	Thirty-two hundred and fifty-two pounds eight shillings and fourpence	£3,252 8*s.* 4*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable	£0 0*s.* 0*d.*	£17 0*s.* 0*d.*	£255 6*s.* 8*d.*	Two hundred and seventy-two pounds six shillings and eightpence	£272 6*s.* 8*d.*
Yarmouth	0 0 0	26 10 0	198 16 8	Two hundred and twenty-five pounds six shillings and eightpence	225 6 8
Sandwich	0 0 0	12 0 0	223 13 4	Two hundred and thirty-five pounds thirteen shillings and fourpence	235 13 4
Eastham	0 0 0	9 1 0	139 16 4	One hundred and forty-eight pounds seventeen shillings and fourpence	148 17 4
Harwich	0 0 0	20 15 0	159 10 0	One hundred and eighty pounds five shillings	180 5 0
Chatham	0 0 0	0 0 0	113 2 4	One hundred and thirteen pound[*s*] two shillings and fourpence	113 2 4
Truro	0 0 0	0 0 0	92 14 2	Ninety-two pounds fourteen shillings and twopence	92 14 2

Fal[l]mouth . .	0	0	0	0	0	0	138	5	10	One hundred [*and*] thirty-eight pounds five shillings and tenpence	138 5 10
Wellfleet . .	0	0	0	4	14	0	72	3	8	Seventy-six pounds seventeen shillings and eightpence . .	76 17 8
	£0	0	0	£90	0*s.*	0*d.*	£1,393	9*s.*	0*d.*	One thousand four hundred and eighty-three pounds nine shillings	£1,483 9*s.* 0*d.*

IN THE COUNTY OF BRISTOL.

Taunton . . .	£0	0*s.*	0*d.*	£25	10*s.*	0*d.*	£363	13*s.*	4*d.*	Three hundred [*and*] eighty-nine pounds three shillings and fourpence	£389 3*s.* 4*d.*
Rehoboth . .	0	0	0	25	10	0	426	6	8	Four hundred and fifty-one pounds sixteen shillings and eightpence	451 16 8
Swanzey, with Shawamet . .	0	0	0	26	0	0	318	15	0	Three hundred and forty-four pounds fifteen shillings . . .	344 15 0
Dartmouth . .	0	0	0	24	0	0	686	10	10	Seven hundred and ten pounds ten shillings and tenpence . .	710 10 10
Norton . . .	0	0	0	22	0	0	244	14	2	Two hundred and sixty-six pounds fourteen shillings and twopence	266 14 2
Attleborough . .	0	0	0	23	10	0	229	4	11	Two hundred and fifty-two pounds fourteen shillings and elevenpence	252 14 11
Dighton . . .	0	0	0	23	10	0	157	10	0	One hundred [*and*] eighty-one pounds ten shillings	181 10 0
Freet[*ow*][wo]n .	0	0	0	22	10	0	160	19	2	One hundred [*and*] eighty-three pounds nine shillings and twopence	183 9 2
Raynham . .	0	0	0	0	0	0	81	5	0	Eighty-one pounds five shillings	81 5 0
Easton . . .	0	0	0	0	0	0	103	12	2	One hundred and three pounds twelve shillings and twopence .	103 12 2
Berkley . . .	0	0	0	0	0	0	89	10	0	Eighty-nine pounds ten shillings	89 10 0
	£0	0*s.*	0*d.*	£192	10*s.*	0*d.*	£2,862	1*s.*	3*d.*	Two thousand nine hundred and fifty-four pounds eleven shillings and threepence	£2,954 11*s.* 3*d.*

IN THE COUNTY OF YORK.

York . . .	£0	0*s.*	0*d.*	£29	0*s.*	0*d.*	£366	16*s.*	8*d.*	Three hundred [*and*] ninety-five pounds sixteen shillings and eightpence	£395 16*s.* 8*d.*
Kittery . . .	0	0	0	27	5	0	381	9	2	Four hundred and eight pounds fourteen shillings and twopence	408 14 2
Wells . . .	0	0	0	24	10	0	194	0	0	Two hundred and eighteen pounds ten shillings	218 10 0

* Parchment mutilated.

IN THE COUNTY OF YORK—*Continued.*

[TOWNS' NAMES.]	FINES.	REP[*RESENTATIVES*' PAY.	PROVINCE TAX.	SUM TOTAL.	
Berwick	£0 0*s.* 0*d.*	£21 0*s.* 0*d.*	£301 10*s.* 0*d.*	Three hundred and twenty-two pounds ten shillings	£322 10*s.* 0*d.*
Arundell	0 0 0	3 10 0	99 13 4	One hundred and three pounds three shillings and fourpence	103 3 4
Biddeford	0 0 0	3 19 0	108 9 10	One hundred and twelve pounds eight shillings and tenpence	112 8 10
District of Pepper-[*r*]ellborough	0 0 0	2 16 0	75 7 0	Seventy-eight pounds three shillings	78 3 0
Narraganset[t] N[o][*umber*] One,	0 0 0	0 0 0	23 13 4	Twenty-three pounds thirteen shillings and fourpence	23 13 4
	£0 0*s.* 0*d.*	£112 0*s.* 0*d.*	£1,550 19*s.* 4*d.*	One thousand six hundred and sixty-two pounds nin[*e*]teen shillings and fourpence	£1,662 19*s.* 4*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth	£0 0*s.* 0*d.*	£14 10*s.* 0*d.*	£589 8*s.* 4½*d.*	Six hundred and three pounds eighteen shillings and fourpence [*halfpenny*]	£603 18*s.* 4½*d.*
North Yarmouth	0 0 0	26 15 0	105 0 2	One hundred and thirty-one pounds fifteen shillings and two-pence	131 15 2
Scarborough	0 0 0	33 5 0	211 5 2	Two hundred and forty-four pounds ten shillings and twopence,	244 10 2
Brunswick	0 0 0	0 0 0	93 10 2	Ninety-three pounds ten shillings and twopence	93 10 2
Harpswell	0 0 0	0 0 0	66 0 10	Sixty-six pounds and tenpence	66 0 10
Gorham	0 0 0	30 0 0	39 7 6	Sixty-nine pounds seven shillings and sixpence	69 7 6
Windham	0 0 0	0 0 0	19 13 4	Nineteen pounds thirteen shillings and fourpence	19 13 4
P[e]i[*e*]rsontown	0 0 0	0 0 0	0 0 0	– – – – – – –	0 0 0
	£0 0*s.* 0*d.*	£104 10*s.* 0*d.*	£1,124 5*s.* 6½*d.*	One thous.[and] two hund.[red] and twenty-eight pounds fifteen shillings and fourpence [*halfpenny*]	£1,228 15*s.* 4½*d.*

IN THE COUNTY OF LINCOLN.

Pownal[/]borough .	£0 0s. 0d.	£0 0s. 0d.	£75 12s. 6d.	Seventy-five pounds twelve shillings and sixpence . . .	£75 12s. 6d.
Georgetown . .	10 0 0	0 0 0	134 0 0	One hundred and forty-four pounds	[*144 0 0**]
Newcastle . .	0 0 0	0 0 0	54 16 8	Fifty-four pounds sixteen shillings and eightpence . . .	54 16 8
Topsham . . .	0 0 0	0 0 0	34 0 0	Thirty-four pounds	34 0 0
Woolwich . .	0 0 0	0 0 0	49 4 2	Forty-nine pounds four shillings and twopence	49 4 2
	£10 0s. 0d.	£0 0s. 0d.	£347 13s. 4d.	Three hundred and fifty-seven pounds thirteen shillings and fourpence	£357 13s. 4d.

IN THE COUNTY OF DUKES COUNTY.

Edgartown . .	£0 0s. 0d.	£0 0s. 0d.	£108 0s. 0d.	One hundred and eight pounds	£108 0s. 0d.
Chilmark . .	0 0 0	0 0 0	115 10 10	One hundred and fifteen pounds ten shillings and tenpence .	115 10 10
Tisbury . . .	0 0 0	5 0 0	78 10 0	Eighty-three pounds ten shillings	83 10 0
	£0 0 0	£5 0s. 0d.	£302 0s. 10d.	Three hundred and seven pounds and tenpence	£307 0s. 10d.

IN THE COUNTY OF NANTUCKET[T].

Sherburne . .	£0 0s. 0d.	£13 5s. 0d.	£472 6s. 8d.	Four hundred and eighty-five pounds eleven shillings and eightpence	£485 11s. 8d.

* Parchment mutilated.

	FINES.	REP[*RESENTATIVES'* PAY.	PROVINCE TAX.	SUM TOTAL.	
[*Suffolk**]. . .	£18 0*s.* 0*d.*	£282 15*s.* 0*d.*	£8,285 0*s.* 5*d.*	Eight thousand five hundred and eighty-five pounds fifteen shillings and fivepence	£8,585 15*s.* 5*d.*
[*Essex**] . . .	20 7 0	421 0 0	7,207 10 0	Seven thousand six hundred and forty-eight pounds seventeen shillings	7,648 17 0
[*Mid**]dlesex . .	29 0 0	484 15 0	5,706 7 9	Six thousand two hundred and twenty pounds two shillings and ninepence	6,220 2 9
Hampshire . .	0 0 0	156 5 0	3,094 2 9	Three thousand two hundred and fifty pounds seven shillings and ninepence	3,250 7 9
Berkshire . .	0 0 0	104 10 0	453 0 0	Five hundred and fifty-seven pounds ten shillings . . .	557 10 0
Worcester . .	12 0 0	352 7 6	4,331 3 9	Four thousand six hundred and ninety-five pounds eleven shillings and threepence	4,695 11 3
Plymouth . .	9 0 0	234 5 0	3,009 3 4	Three thousand two hundred and fifty-two pounds eight shillings and fourpence	3,252 8 4
Barnstable . .	0 0 0	90 0 0	1,393 9 0	One thousand four hundred and eighty-three pounds nine shillings	1,483 9 0
Bristol . . .	0 0 0	192 10 0	2,862 1 3	Three thousand and fifty-four pounds eleven shillings and threepence	3,054 11 3
York . . .	0 0 0	112 0 0	1,550 19 4	One thousand six hundred and sixty-two pounds nineteen shillings and fourpence	1,662 19 4
Cumberland . .	0 0 0	104 10 0	1,124 5 6½	One thousand two hund.[red] and twenty-eight pounds fifteen shill.[ings] and sixpence halfpenny	1,228 15 6½
Lincoln . . .	10 0 0	0 0 0	343 13 4	Three hundred and fifty-three pounds thirteen shillings and fourpence	353 13 4
[*D**]ukes County .	0 0 0	5 0 0	302 0 10	Three hundred and seven pounds and tenpence	307 0 10
[*Nantu**]cket . .	0 0 0	13 5 0	472 6 8	Four hundred [and] eighty-five pounds eleven shillings and eightpence	485 11 8
	£98 7*s.* 0*d.*	£2,553 2*s.* 6*d.*	£40,135 3*s.* 11½*d.*	Forty-two thous[*an*]d seven hund[*re*]d eighty-six pounds [thirteen] [*13*] shill[*ing*][s] and [five][*5*]pence halfpenny . .	£42,786 13*s.* 5½*d*

* Parchment mutilated.

[*A**]*nd be it further enacted*,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, that are [*tax**]ed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at five shillings and fourpence, and proportionably in assessing the additional sum paid out of the treasury to the representatives, for their travel and attendance aforesaid (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and gramm[e][*a*]r-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public[k] charges, they may exempt their polls or estate, or abate part of what they are set at, as in their prudence they shall think fit and judge meet. Rules for assessment.

[Sect. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to the province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found; and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profit, in their improvement, at twelvepence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making the said assessment, to estimate houses and lands at six years' yearly rent whereat the same may be reasonably set or let for in the place where they lye: *saving* all agreements between landlord and tenant, and where no agreement is, the landlord to reimburse one-half of the tax set upon such houses and lands (new cleared lands for tillage not to be rated until the first crop be taken off); and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment or discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; and every [*hor**]se and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old and upwards, at three shillings each; [*the se**]veral creatures above mentioned to be taxed to their respective owners or occupants, by the assessors of the town in which the owners or occupants dwell: likewise requiring the said assessors [*to make**] a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how [*much for**] personal estate, and income by trade or faculty; and

* Parchment mutilated.

if as guardians, or for any estate, in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed [*by them**], or the major part of them, to commit to the collector, or constable or constables of any such town, district, parish or place, and to return a certificate of the name or names of such collector, [*constab**]le or constables, with the sum total to each of them committed, unto himself, some time before the last day of November next.

[SECT. 4.] And the treasurer, for the time being, upon receipt of such [*certif**]icate, is hereby [e][*i*]mpowered and ordered to issue forth his warrants to the collector, [*or*] constable or constables of such town, district, parish or place, requiring him or them, respectively, to [*colle**]ct the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirtieth day of March, [*which**] will be in the year of our Lord one thousand seven hundred and sixty-seven.

And be it further enacted,

Inhabitants to bring in a true list of polls, estate, &c.

[SECT. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making of the assessment, shall give [*se**]asonable warning to the inhabitants, in a town-meeting or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way, to give or bring in to the assessors true and perfect lists of their polls, and rateable estate they shall be possessed of, on the first Monday [of][*in*] September next, and income by trade [and][*or*] faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are [e][*i*]mpowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agre[*e*]able to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables in manner as is directed for gathering the town assessments, to be paid into the town, district or parish treasury, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 6.] And if the person be not convicted of any falseness in the list by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize into the same, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing

* Parchment mutilated.

towards the support of the government, tho'[ugh], in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it therefore enacted,

Transient traders to be rated.

[Sect. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade to deal therewith, the assessors of such town are hereby [e][*i*]mpowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected, as a[*foresaid.**]

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[Sect. 8.] That when any merchant, trader or factor, shall set up a store, and traffic[*k*], or carry on any trade or business, in any town within this province, not being an inhabitant of [*such town, the**] assessors of such town where such trade [or] [*and*] business shall be carried on as aforesaid, be and hereby are [e][*i*]mpowered to rate and assess all such merchants, traders and factors, their goods and merchand[*izes, for carrying**] on such trade and business and exercising their faculty in such town, pursuant to the rules and directions in this act: *provided*, before any such assessors shall rate such persons, as aforemention[*ed, the selectmen**] of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or dis[*trict.**]

Selectmen to transmit a list of such persons before they are rated.

[Sect. 9.] [*And the cons**]tables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than th[*ose where they carry on their trade, and pa**]y the same.

[*And where**]*as* it has been the practice of some of the inhabitants of the town of Boston to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, [*to which they**] really belong, to the great injury of the said town,—

Be it therefore enacted,

Inhabitants of Boston who remove out of town and return in a year, to pay said tax in their town.

[Sect. 10.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in the [*said t**]own, [he] shall be subject to pay [the] said taxes, in like manner as he would have been had he not have removed from said Boston (*saving* so much as he shall be taxed in the town [he] removed to), anything in this act to the [*contra**]ry notwithstanding. [*Passed June 27.*

CHAPTER 7.

AN ACT FOR REVIVING AND CONTINUING AN ACT MADE IN THE FOURTH YEAR OF HIS PRESENT MAJESTY, INTITLED "AN ACT FOR ALLOWING NECESSARY SUPPLIES TO THE EASTERN INDIANS, AND FOR REGULATING THE TRADE WITH THEM, AND PREVENTING ABUSES THEREIN."

Preamble. 1763–64, chap. 32.

Whereas an act made in the fourth year of his present majesty's reign, intitled "An Act for continuing and amending an act for allowing necessary supplies to the eastern Indians, and for regulating the

* Parchment mutilated.

trade with them, and for preventing abuses therein," has been found useful and beneficial, and is now expired,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Act continued. That the said act, in all and every article and clause, matter and thing, be and is hereby revived, and shall be in force until the thirtieth of June, which will be in the year of our Lord one thousand seven hundred and sixty-seven. [*Passed and published June* 28.

CHAPTER 8.

AN ACT TO PREVENT FRAUDS BY THE ADULTERATION OF POTASH AND PEARLASH.

Preamble. 1754–55, chap. 26. WHEREAS the manufacture of potash and pearlash is of great importance to this government, and as there are great complaints of gross adulterations in said manufacture, which, if not prevented, may not only be of great disadvantage to the province in general, but to honest and industrious individuals, and wholly destroy that valuable branch of manufacture,—

Be it enacted by the Governor, Council and House of Representatives,

Casks to be branded, [SECT. 1.] That every manufacturer or original owner of any potash or pearlash made for sale, shall, upon each cask or vessel[1], in which such potash or pearlash shall be packed, cause the same to be branded with the first letter of his Christian name, and with his sirname at length, as also the name of the town or district in which such potash or pearlash was made; and every person offering to sell any potash or pearlash, the cask or vessel[1] in which the same is contained not being branded, as aforesaid, shall forfeit and pay the sum of five pounds.

And be it further enacted,

—in the presence of the carrier, [SECT. 2.] That the branding of each cask of potash or pearlash, as hereinbefore by this act required, shall be done in the presence of the person who shall be employed to convey the same to market, and at the time of his taking the same into his possession; and such person

—who shall make oath. shall, at the delivery thereof at the market, make oath, before a justice of the peace, that the several casks of potash or pearlash by him so delivered, were branded by the manufacturer or vender thereof, in his presence, and at the time of his receiving them for transportation, and that they have been in his custody, and, so far as he knows, not been opened, from the time of his first taking the same into his charge; and

Justice to certify the same. such justice shall deliver a certificate of such oath, if desired, to the person or persons who may purchase such commodity, for which certificate and oath he shall be allowed one shilling.

And be it further enacted,

Penalty on mixing or adulterating. [SECT. 3.] That any person who shall adulterate any potash or pearlash, by mixing the same with any lime, marine salt, or any other matter foreign to the nature of those commodities, or by any other way or manner what[*so*]ever, and afterwards offer the same to sale, shall forfeit and pay a sum not exceeding thirty pounds nor less than five pounds, according to the nature of the offence, for each ton thereof, and so, in proportion, for any greater or smaller quantity of potash or pearlash.

And be it further enacted,

Justice, upon [SECT. 4.] That in cases where a strong suspicion of adulteration

arises, in either potash or pearlash, if any credible person shall make complaint to a justice of the peace, in the county where such potash or pearlash shall be offered to sale, it shall be in the power of such justice, first taking sufficient security of the person so complaining, to respond, and pay the person or persons whose potash or pearlash shall be so suspected and complained of, all his or their reasonable charge and expence, and the damage that shall arise, by reason of said complaint, or for not prosecuting the same, provided the potash or pearlash, supposed to be adulterated, appear, upon trial, to be good; and he is hereby enjoined to make out a warrant, directed to the sheriff, his undersheriff or deputy, or either of the constables of the town, requiring them, or either of them, to seize, and take into their custody, so much of the contents of any and every cask of potash or pearlash, not exceeding the quantity of two pounds, out of each suspected cask, as may be necessary in order to the conviction of any offender against this act.

complaint, to require security of the complainant to prosecute, &c.

Justice to issue his warrant to take out a sufficient quantity to make trial.

And be it further enacted,

[Sect. 5.] That the master or owner of any ship or vessel, who shall receive on board the same any potash or pearlash, the cask containing the same not being branded as aforesaid, shall forfeit and pay the sum of five pounds for each cask, excepting such potash or pearlash as is now in the hands of any person who has already purchased the same; in which case the shipper shall, *bonâ fide*, make oath, before any one of his majesty's justices of [*the*] peace who is impowered hereby to administer said oath, that the said potash or pearlash was purchased before the twentieth day of July, one thousand seven hundred and sixty-six.

Penalty on receiving aboard any casks not branded.

And be it further enacted,

[Sect. 6.] That all fines and forfeitures arising by the breach of this act, shall be applied, one moiety thereof to and for the use of this government, and the other moiety to and for the use of the prosecutor; to be recovered by action, bill, plaint or information, in any of his majesty's courts of record.

Forfeitures applied.

[Sect. 7.] This act to be in force from the twentieth day of July next, until[1] the twentieth day of July, *Anno Domini* one thousand seven hundred and sixty-seven. [*Passed and published June 28.*

Continuation of the act.

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PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-NINTH DAY OF OCTOBER, A.D. 1766.

CHAPTER 9.

AN ACT TO ERECT THE SOUTH PART OF THE FIRST PRECINCT IN THE TOWN OF MENDON, IN THE COUNTY OF WORCESTER, INTO A SEPARATE PRECINCT.

Preamble.

WHEREAS the erecting the south part of the first precinct in the town of Mendon, in the county of Worcester, into a separate precinct, would serve to remove many difficulties and inconveniences which the inhabitants labour under,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of Mendon, South Precinct.

[SECT. 1.] That the said inhabitants, with their lands, containing one-half the lands in said first precinct, bounded as follows; viz[t]., beginning at the south-west corner of Mendon, run[n]ing, north, on Uxbridge line, three miles, one hundred and twenty-eight rods, to a heap of stones on Capt[*ain*] Daniel Taft's farm; then, turning, and run[n]ing, east, eight degrees south, to a heap of stones by the road leading from Thomas Taft's to John Boyce's; continuing, the same point, to a heap of stones by the road leading from Dam Swamp to Ensign Benjamin Darling's; continuing, the same point, to a heap of stones on the east side of the road called Rehoboth Road, south of Darius Daniel's orchard; continuing, the same point, to a pitch-pine tree at or near Bellingham line; together with the farm belonging to the heirs of Capt. Daniel Tafts, deceased, and Joseph Day's farm, both lying on the north side of said line,—be and hereby are erected into a precinct by the name of the South Precinct; and that the inhabitants of the said South Precinct be and hereby are invested with all the powers and privile[d]ges, and subjected to all the duties, that precincts in this province, by law, are invested with and subjected to.

Be it further enacted,

[SECT. 2.] That Nathan Tyler, Esquire, be and hereby is impowered to issue his warrant, directed to some principal inhabitant within said precinct, requiring him to warn the inhabitants of said precinct, qualified to vote in precinct affairs, to assemble at some suitable time, and place in said precinct, to chuse such officers as are necessary to manage the affairs of said precinct. [*Passed November* 8.

CHAPTER 10.

AN ACT FOR GRANTING COMPENSATION TO THE SUFFERERS, AND OF FREE AND GENERAL PARDON, INDEMNITY AND OBLIVION TO THE OFFENDERS IN THE LATE TIMES.

Disallowed by the privy council, May 13, 1767.

Preamble.

Whereas the king's most excellent majesty, taking into his gracious and serious consideration the troubles, discords, tumults and riots which have lately happened in America, and that divers of his subjects have thereby greatly suffered in their property, and others have fallen into and are obnoxious to great pains and penalties,—out of a hearty and pious desire that such sufferers be compensated, and to put an end to all suits, controversies and prosecutions, that, by occasion of the late distractions, have arisen or may arise between any of his majesty's subjects, and to the intent that a veil be drawn over the late unhappy excesses,—has been graciously pleased to signify his desire to forgive and forget them; at the same time, of his abundant clemency, recommending a compensation to the sufferers in their property, with such a conduct, in general, as shall be, at this great crisis, the best means of fixing the mutual interest and inclination of Great Britain and her colonies on the most firm and solid foundation; from a grateful sense of his majesty's grace and clemency, in order to promote internal peace and safety, to make compensation to said sufferers, and, as a means, so far as it is in our power, of demonstrating to all the world our sense of the happiness we enjoy in being a part of the British empire, and being intitled to the rights, liberties and privileges of British subjects, we, his majesty's most dutiful and loyal subjects, the representatives of the commons of this province, in the great and general court assembled, of our free and good will have resolved to give and grant, and pray that it be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

Compensation to the several sufferers.

[Sect. 1.] That there be granted and paid out of the public treasury of this province, to the hon[*ora*]ble Thomas Hutchinson, Esq[r]., the sum of three thousand one hundred and ninety-four pounds seventeen shillings and sixpence, in full compensation for the losses and sufferings that he and the several persons in his family sustained in the late times of confusion;—

To the hon[*ora*]ble Andrew Oliver, Esq[r]., the sum of one hundred and seventy-two pounds four shillings;—

To Benjamin Hallowell, jun[r]., Esq[r]., the sum of three hundred and eighty-five pounds six shillings and tenpence;—

To William Story, Esq[r]., the sum of sixty-seven pounds eight shillings and tenpence: in full compensation for their losses and sufferings in the late times of confusion.

And be it further enacted,

Indemnification to the offenders

[Sect. 2.] That all riots, routs and unlawful assemblies, councelled, commanded, acted, done or made, within this province, between the first day of August, one thousand seven hundred and sixty-five, and the first day of May, one thousand seven hundred and sixty-six; and all burglaries, felonies, rescues and breaches of the peace whatsoever, committed in, by, or during, such riots, routs and unlawful assemblies, be and hereby are pardoned, released, indemnified, discharged and put in utter oblivion; and that all and every the person or persons acting, advising, assisting, abetting and coun[c][s]elling the same, be and are hereby pardoned, released, acquitted, indemnified and discharged from the same, and of and from all pains of death and other pains,

judgments, indictments, convictions, penalties and forfeitures, therefor had or given, or that might accrue, for the same; and that such indictments, convictions and forfeitures are hereby declared null and void.

And be it further enacted,

This act may be given in evidence in case of prosecution.

[SECT. 3.] That any person indicted or presented, or in any manner prosecuted, or that shall or may be hereafter indicted, presented, or in any manner prosecuted, for any of the offences by this act pardoned, may plead the general issue, and give this act in evidence, which shall be sufficient to acquit him.

Provided,—

Proviso.

[SECT. 4.] That nothing in this act contained shall extend to the pardoning, or give any benefit whatever to, any person who is or may be unlawfully possessed of any goods or chatt[el][*le*]s, taken or stolen from any person, unless the possessor shall, within thirty days after the publication of this act, have surrendered and delivered them up to the province treasurer, for the use of the province.

Provided, also,—

Proviso.

[SECT. 5.] That nothing in this act shall extend to the barring any civil action of trespass, for damages sustained by any person not by this act compensated, nor to the pardoning any of the crimes or offences above named, wherein any burglaries, arsons or thefts were committed against the properties of any persons not compensated by this act. [*Passed December* 6.

"As this Act appeared to us to be of an extraordinary nature and importance, we thought it our duty immediately to refer it to the consideration of Your Majesty's Attorney and Solicitor General desiring their opinion whether the Legislature of that Province have by their Constitution a power to enact a Law of general Pardon, Indemnity and Oblivion in the case to which this Act refers, without the previous consent of the Crown—And Your Majesty's Attorney and Solicitor General having, on the 10th Inst. reported to us their opinion, 'That the Governor, Council 'and Assembly of the Massachusetts Bay, have not, by the constitution of that 'Province, any original power to enact a Law of General Pardon, Indemnity and 'Oblivion in the case referr'd to, without the previous communication of the grace 'and pleasure of the Crown,' We do upon a consideration of this Report, agree in opinion with them, and humbly beg leave to lay the said Act before Your Majesty, submitting it to Your Majesty to take such measures thereupon as Your Majesty in your great wisdom and with the advice of your Council shall think most proper."—*Representation of the Lords of Trade, Apr.* 13, 1767: "*Mass. Bay, B. T.*," *vol.* 86, *p.* 210.

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Passed at the Session begun and held at Boston, on the Twenty-eighth day of January, A.D. 1767.

CHAPTER 11.

AN ACT FOR INCORPORATING THE EASTERLY PART OF THE TOWN OF RICHMONT, IN THE COUNTY OF BERKSHIRE, INTO A DISTRICT BY THE NAME OF LENOX.

Preamble. 1765-66, chap. 16.

Whereas it has been represented to this court that the incorporating the easterly part of the town of Richmont, in the county of Berkshire, will greatly contribute to the growth thereof, and remedy many inconvenienc[*i*]es to which the inhabitants and proprietors may otherwise be subjected,—

Be it therefore enacted by the Governor, Council and House of Representatives,

District of Lenox bounded and described:

[Sect. 1.] That the inhabitants of the easterly part of the town of Richmont, in the county of Berkshire, bounded as follows; viz[*t*]., begining at the south-west corner of that part of said town of Richmont formerly called Yokun Town, thence, north, by the needle, to the south-west corner of lot number twenty, in the second division in said Yokun Town; thence, east, eight degrees south, to the south-east corner of said lot; thence, north, nine degrees east, to the north-east corner of lot number twenty-one, in said second division in said Yokun Town; thence, north, by the needle, to the north-west corner of lot number forty-three, in said second division; thence, east, nine degrees south, to the south-east corner of the same lot; thence, northerly, to the north-east corner of lot number forty-seven in said division, which is in the dividing-line between the town of Pittsfield and said town of Richmont,—be and they hereby are incorporated into a separate district by the name of Lenox; and that the inhabitants thereof be vested with all the powers, privileges and immunities which the inhabitants of any town within this province do, or by law ought to, enjoy, excepting only the privilege of sending a representative to the general assembly; and that the inhabitants of said district shall have liberty, from time to time, to join with the town of Richmont in the choice of a representative or representatives, which representatives may be chosen indifferently from said town or district, the pay or allowance of such representatives to be borne by the said town and district according to their respective proportions of the province tax; and that the town of Richmont, as often as they shall call a meeting for the choice of representatives, shall, from time to time, give seasonable notice to the clerk of said district of Lenox, for the time being, of the time and place for holding said meeting, to the end that the said district may join therein; and the clerk of the said district shall set up, in some public place in said district, a notification thereof accordingly; the meeting for the choice

—to join with Richmont in the choice of representatives:

—to be notified for that purpose.

of representatives to be held alternately in the town of Richmont and the said district, and to be regulated by the selectmen of the town or district where the meeting shall be held.

And be it further enacted,

Certain lots, not included in Lenox, to pay taxes for building a meeting-house, &c.

[SECT. 2.] That the lots lying east of the original dividing-line, between the proprietors of Yokun and Mount Ephraim, so called, notwithstanding they are not included in said district of Lenox, shall pay taxes towards building a meeting-house in said district—till it is so far finished as the meeting-house in said Richmont now is—and settling a minister in said district; and they shall be exempted from paying taxes towards settling a minister in the said town of Richmont; and the said town of Richmont shall not have any benefit of any of the public lands lying east of said original proprietary line.

[*And*] *be it further enacted*,

Proprietors' rates to remain good.

[SECT. 3.] That all assessments of rates and taxes agreed upon by said original proprietors shall be in full force, and may be levied, collected and applied, in like manner as if this act had not been made.

And be it further enacted,

W[illi]am Williams, Esq., to direct in calling the first meeting of the inhabitants.

[SECT. 4.] That William Williams, Esq[r]., be and hereby is impowered to issue a warrant to some principal inhabitant of said district of Lenox, requiring him to call a meeting of said inhabitants, in order to chuse such officers as, by law, towns are impowered to chuse in the month of March, annually. [*Passed February* 26, 1767.

CHAPTER 12.

AN ACT FOR SETTING OFF EDWARD STEARNS OF BILLERICA, WITH HIS LANDS THERE, FROM THE SAID TOWN, AND ANNEXING THE SAME TO THE TOWN OF BEDFORD.

Preamble. 1729–30, chap. 1.

WHEREAS it hath been represented to this court that the lands of Edward Stearns of Billerica, in the county of Middlesex, together with [the][*his*] place of his habitation, lie much nearer the place of public worship in the town of Bedford, in said county, than to the place of public worship in the said town of Billerica, and in all respects will be more accom[m]odated to be set off from the said town of Billerica, and annexed to the said town of Bedford, and, in consideration thereof, the said town of Billerica have consented thereto; *and whereas* the said Edward Stearns, together with the agents of the said town of Bedford, have humbly petitioned this court therefor,—

Be it therefore enacted by the Governor [and] *Council and House of Representatives, in general court assembled.*

Edward Stearns's estate annexed to Bedford.

That the said Edward Stearns, with his lands, be and hereby are set off from the town of Billerica, and annexed to the town of Bedford, there to do duties and receive privile[d]ges as other of their inhabitants; and that the line between the aforesaid towns, for the future, be and are established as follows; that is to say, begin[*n*]ing at a maple stump in the old line between said towns, at a place known by the name of Page's Corner; thence, in a streight line, to the south-easterly corner of Isaac Stearns's lands, to a ditch, a stake, and stones; thence, running, on said ditch, to the north-east corner of the said Edward Stearns's land; thence, on the old ditch in the line between the said Isaac and Edward Stearns, to a stake and stones at the end of said ditch, at a small turn in the old wall; thence, running to a large rock, with small stones about it, being on the south side of the brook, about two pole south-west from the sawmill; from thence, on said brook, to Concord River. [*Passed February* 26, 1767.

Line between Billerica and Bedford described.

CHAPTER 13.

AN ACT IN ADDITION TO TWO SEVERAL ACTS TO PREVENT THE DESTRUCTION OF SALMON AND OTHER FISH IN MERRIMACK RIVER, WITHIN THIS PROVINCE.

Preamble. 1764-65, chap. 24, § 3. 1765-66, chap. 30, § 1.

Whereas in and by an act made and passed in the fifth year of his present majesty's reign, intituled "An Act to prevent the destruction of salmon and other fish in Merrimack River, within this province," no person or persons were allowed to catch any of the said fish within one hundred rods of the mouth, or entrance, of the several brooks which empty into the said river; and by another act, made in the sixth year of his present majesty's reign, for amending the aforementioned act, it was enacted "That the prohibition to take fish within one hundred rods in said act mentioned, shall hereafter extend only to the fishing within twenty rods;" and such liberty, being found by experience greatly to obstruct, and, is feared, will soon destroy, the course of such fish as usually pass up a brook, in the town of Andover, known by the name of Cochechawick Brook; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Fishing near Cochechawick Brook restricted.

[Sect. 1.] That no person or persons whatsoever be allowed, from and after the fifteenth day of March next, and so during the continuance of this act, to catch salmon, or other fish of any kind, with sien[e]s, nets or pots, or in any other way, within one hundred rods of the mouth of said brook, in said town, on pain of forfeiting for each offence the sum of three pounds, one moiety thereof to the prosecutor, the other to the poor of said town; said fine and forfeiture incurred by the breach of this act to be recovered as in and by said first-mentioned act is provided.

Limitation.

[Sect. 2.] This act to continue and be in force for the space of one year from the publication hereof, and no longer. [*Passed February* 26; *published March* 20, 1767.

CHAPTER 14.

AN ACT FOR DISCONTINUING TWO OF THE COURTS, AND FOR ALTERING THE TIME OF HOLDING ONE OF THE COURTS, OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURTS OF COMMON PLEAS WITHIN AND FOR THE COUNTY OF BERKSHIRE.

Preamble. 1760-61, chap. 33.

Whereas in and by the law made for the erecting and establishing the county of Berkshire, it was, among other things, enacted that there should be four courts of general sessions of the peace and inferior courts of common pleas, held yearly, and in every year, at the times and places hereinafter expressed; viz[t]., at the north parish in Sheffield, now called Great Barrington, on the last Tuesday of April and first Tuesday of September, and at Po[o]ntoosuck, now called Pittsfield, on the first Tuesday of December and first Tuesday of March; *and whereas* by experience it is found that much travel, time and expence is unnecessarily incurred thereby,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Two courts

[Sect. 1.] That from and after the tenth day of March next ensu-

only in a year to be held in the county of Berkshire.

ing, there shall be held and kept within the said county of Berkshire, yearly, and in every year, until the further order of this court, two courts of general sessions of the peace and inferior courts of common pleas, and no more; viz[t]., at Great Barrington, on the first Tuesday of September, and at Pittsfield, on the last Tuesday of February, anything in the aforerecited act to the contrary notwithstanding.

And be it further enacted,

The clerk directed how to make out executions.

[SECT. 2.] That the clerk of the inferior court of common pleas, in and for the said county of Berkshire, is hereby authorized and required to make all executions, which shall issue after the said tenth of March, on judgment[s] obtained in the said court, returnable into the clerk's office at the end of three months from the respective dates thereof, in case, at the time of issuing them, it shall be more than three months to the time hereinbefore set and established for holding the said court which shall be next following the day of the date of such execution; and in case it shall not be more than three months from the day of the date of such execution, to the time hereinbefore set for holding the said court which shall be next following the day of the date of such execution, the same shall be made returnable on the day on which, according to this act, the said court shall be next holden. [*Passed February* 27; *published March* 20, 1767.

CHAPTER 15.

AN ACT FOR ERECTING THE WESTERLY PART OF THE TOWN OF TOWNSEND, IN THE COUNTY OF MIDDLESEX, THE NORTHERLY PART OF THE TOWN OF FITCHBURGH, AND THE NORTH-EASTERLY PART OF THE TOWN OF ASHBURNHAM, IN THE COUNTY OF WORCESTER, INTO A TOWN BY THE NAME OF ASHBY, TO BE ANNEXED TO THE COUNTY OF MIDDLESEX.

Preamble.

WHEREAS it has been represented to this court that the inhabitants of the westerly part of the town of Townsend, in the county of Middlesex, the northerly part of the town of Fitchburgh, and the north-easterly part of the town of Ashburnham, in the county of Worcester, labour under great difficulties, by reason of their not being erected into a town, and are desirous of being so erected,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Town of Ashby bounded and described:

[SECT. 1.] That the westerly part of Townsend, in the county of Middlesex, the northerly part of Fitchburgh, and the north-easterly part of Ashburnham, in the county of Worcester, described as follows; viz[t]., begin[n]ing at the south-westerly corner of Townsend, and run-[n]ing, northerly, to the south-westerly corner of James Colman's second division, lot number eighteen; then, run[n]ing, on the westerly line of said lot, to the north-west corner of said Colman's lot; then, extending, the same point, to the province line; then, turning, and run-[n]ing, easterly, on the province line, to Townsend north-west corner; then, run[n]ing, easterly, on the province line, three miles; then, turning, and run[n]ing, southerly, four miles one hundred and ten rods, to Lunenb[o]urgh north-west corner; then, run[n]ing, southerly, half a mile, on the line between Lunenburgh and Fitchburgh; then, run[n]ing, westerly, to Ashburnham east line; then, run[n]ing, northerly, to Townsend south-west corner, where it first began,—be and hereby are erected into a town by the name of Ashby; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and

immunities which the inhabitants of the towns within this province, by law, do or may enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of the said town of Ashby shall have liberty, from time to time, to join with the town of Townsend in the choice of a representative or representatives; which representative or representatives may be chosen indifferently from the said town of Townsend or town of Ashby, the pay or allowance of such representative or representatives to be borne by the said town of Townsend and town of Ashby, according to their respective proportion of the province tax; and that the town of Townsend, as often as they shall call a meeting for the choice of a representative or representatives, shall, from time to time, give seasonable notice to the clerk of the said town of Ashby, for the time being, of the time and place for holding said meeting, to the end the said town of Ashby may join therein; and the clerk of the said town of Ashby shall set up, in some public place in said town of Ashby, a notification thereof accordingly.

—to join with Townsend in the choice of representatives;

—and to be notified for that purpose;

Provided, nevertheless,—

And be it further enacted,

[Sect. 2.] That the said town of Ashby shall pay their proportion of all such province, county and town taxes already granted to be raised on the several towns to which they severally belong.

—to pay their proportion of taxes already granted.

And be it further enacted,

[Sect. 3.] That James Prescot, Esq[r]., be and hereby is directed and impowered to issue his warrant, directed to some principal inhabitant within said town, requiring him to warn the inhabitants of said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required by law to manage the affairs of said town.

The first town-meeting, how to be called.

Be it further enacted,

[Sect. 4.] That the town clerks of the said towns of Townsend, Fitchburgh and Ashburnham, before the first town-meeting of the said town of Ashby, shall deliver to James Prescot, Esq[r]., of Groton, copies of the last lists of valuation of the real and personal estates of the inhabitants of said town of Ashby, in order to determine the qualification of voters at said meeting; and that the inhabitants who shall appear, by laid lists, to be voters, according to law, shall be allowed to vote.

List of valuation to be delivered in, for the regulation of voters.

And be it further enacted,

[Sect. 5.] That said town be annexed to and hereby is part of the county of Middlesex. [*Passed March* 6, 1767.

Annexed to the county of Middlesex.

CHAPTER 16.

AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS AND BEACHES LYING IN, AND ADJOINING ON, THE SOUTH SIDE OF THE TOWNS OF TISBURY AND CHILMARK, IN THE COUNTY OF DUKES COUNTY, BETWEEN THE LAND OF MATTHEW MAYHEW, ESQ[B]., ON THE WEST, AND THE CREEK OF WATER THAT DIVIDES THE LAND OF THOMAS WALRON FROM THE BEACH, ON THE EAST.

Whereas many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shores adjoining to the south side of Martha's Vineyard, lying in the towns of Tisbury and Chilmark, between the land of Matthew Mayhew, Esq[r]., on the west, and the creek of water that divides the land of Thomas Walron[d] from the aforesaid beach, on the east, whereby the ground

Preamble.

is much broken and damnified, and the sand blown on said adjoining meadow and upland, to the great damage, not only of sundry private persons, in their property, but also the inhabitants of the said town, in general,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Creatures not to be turned on to Tisbury and Chilmark Beach, from 30th March to 1st October, annually.

[SECT. 1.] That, from and after the thirtieth of March, one thousand seven hundred and sixty-seven, no person or persons shall presume to turn any neat cattle, horses, sheep or swine, on the beach belonging to and lying in the towns of Tisbury and Chilmark, at any time between the thirtieth day of March, and the first day of October, annually, during the continuance of this act, on penalty of paying for each offence three shillings a head for neat cattle, horses or mares, of one year old or upwards, and the sum of threepence a head for each sheep or swine, that shall be turned out or found on said beach, meadows or shores, within the limits aforesaid; which penalty shall be recovered by the treasurer of either of the towns of Tisbury or Chilmark, or any other person that shall inform or sue for the same: the one half of said forfeiture to be to him or them that shall inform of and sue for the same, the other half to be to and for the use of the poor of the said town.

Penalty:

—how to be recovered and disposed of.

And be it further enacted,

Creatures found on the said beach to be impounded:

[SECT. 2.] That if any cattle, horse-kind, sheep or swine shall, at any time hereafter, be found feeding on the said beach, meadows or shores, that lye between the boundaries or limits before described, it shall and may be lawful for any person to impound the same, immediately giving notice thereof to the owner, if known, otherwise to give public[*k*] notice thereof by posting the same up in some public place in both the said towns of Tisbury and Chilmark; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear, to redeem his impounded creatures, he shall pay one shilling, to the impounder, for each neat beast and horse-kind, and one penny for each sheep and swine, and what is reasonable for relieving, besides the poundkeeper's fees as by law appointed for such creatures. And if no owner appears within the space of six days, to redeem the said cattle, horse-kind, sheep or swine so impounded, and to pay the cost and damage occasioned by impounding the same, then and in every such case the person impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at public vendue, and pay the cost and charges arising about the same: public notice of the time and place of such sale, to be given in the said towns of Tisbury and Chilmark, forty-eight hours beforehand, and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle, horse-kind, sheep or swine, any time within twelve months next after, upon his demanding the same; but if no owner, within the said twelve months, appear, then the said overplus shall be one half to the party impounding such cattle, horse, sheep or swine, and the other half for the use of the poor of the said towns of Tisbury and Chilmark.

—to be sold, in case.

And be it further enacted,

Justices to hear complaints.

[SECT. 3.] That the major part of the proprietors of the meadows in said towns of Tisbury and Chilmark, shall, some time in the month of March, annually, appoint one suitable person, in each town, to prosecute all breaches of this act; which shall be heard and determined before any one of his majesty's justices of the peace in the said county, who are hereby authori[s][*z*]ed to hear and determine the same, and to make up judgment and award execution thereon: *saving always*, that any person who may be prosecuted by this act may have liberty to appeal to the court of general sessions of the peace in the same county, there to have a final issue.

Provided,—

[Sect. 4.] That nothing in this act shall be construed to prevent the owner or owners of said beach or meadow, from turning on their horses they ride, or cattle they improve in their teams, to feed on said beach or meadow while they are cutting or carting their hay off said beach or meadow, or while they may be opening said beach to let the water off their meadow into the sea. Proviso.

[Sect. 5.] This act to be in force for the space of three years from the thirtieth of March, one thousand seven hundred and sixty-seven, and no longer. [*Passed March* 9; *published March* 20, 1767. Limitation.

CHAPTER 17.

AN ACT IN ADDITION TO THE SEVERAL LAWS ALREADY MADE RELATING TO THE REMOVAL OF POOR PERSONS OUT OF THE TOWNS WHEREOF THEY ARE NOT INHABITANTS.

Whereas, in and by an act passed in the fourth year of the reign of their late majesties, King William and Queen Mary, intitled "An Act for regulating of townships, choice of town officers and setting forth their power," it is, among other things, enacted, "That any persons orderly warned to depart any town whereof he is not an inhabitant, and neglecting so to do by the space of fourteen days next after such warning given, may, by warrant of the next justice of the peace, be sent and conveyed, from constable to constable, unto the town where he properly belongs, or had his last residence, at his own charge, if able to pay the same, or, otherwise, at the charge of the town so sending him;" *and whereas* it frequently happens that the persons so sent and conveyed, by warrant as aforesaid, do not properly belong to, nor had their last lawful residence in, any town in this province, but are inhabitants of some other province or colony, and are poor, and unable to pay the charge of such their removal, whereby an unequal charge and burthen arises to the towns to which such poor persons happen to come; for remedy whereof, and to the end that such charges may be borne in a more equitable and just proportion,— Preamble. 1692-93, ch. 28, § 10. 1700-01, ch. 23. 1722-23, ch. 5. 14 Mass. 382. 15 Mass. 203. 6 Pick. 1. 10 Pick. 23, 513. 116 Mass. 595. 125 Mass. 304.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That when and so often as any such person or persons are to be sent or conveyed out of this province, it shall and may be lawful for any justice of the peace of the county from whence the person or persons are to be sent or conveyed, and he is hereby [e][*i*]mpowered, to grant a warrant for sending such person or persons out of the province, either by land or water, as he shall think will be most convenient, or least liable to charge. How poor persons are to be conveyed out of the province.

And be it further enacted,

[Sect. 2.] That when and so often as it shall happen that any person so to be sent and conveyed, either by land or water as shall be thought most convenient, by warrant as aforesaid, doth not properly belong to, nor had gained a settlement in, any town in this province, but is an inhabitant of, or had settlement in, some one of his majesty's provinces or colonies on this continent, then and in every such case the charge of conveying such person or persons shall be borne by said person or persons, if able to pay the same; otherwise, to be borne and paid by this province, in order to their being sent or conveyed to the province or colony where they last had a settlement. In what manner the charge is to be defrayed.

[SECT. 3.] And the constable or constables of each town, respectively, to whom such warrant shall be directed, to convey such person or persons by land, and to whose care such person or person[s] shall be committed, shall, by virtue of said warrant, receive and convey him, her or them through the county to which he belongs, and to one of the constables of the next town in the next county, who shall, by virtue of said warrant, receive the said person or persons, and convey him, her or them through the county in which such constable dwells; and the said person or persons shall, by virtue of the warrant aforesaid, be conveyed by the constable from county to county, in the same manner, unto the province or colony to which he, she or they shall be first ordered.

[SECT. 4.] And every constable so receiving and conveying such person or persons, shall receive, out of the treasury of such town where he belongs, so much money as the selectmen of such town shall think the charge of conveying such person or persons, as aforesaid, through the county, shall amount to, the said constable to keep a fair account of his trouble and expence, and exhibit the same to the said selectmen, who are to consider and adjust the same; and the said selectmen are also hereby empowered and directed to adjust and pay the charge of conveying any person or persons, by water, as aforesaid, they to receive the same again out of the province treasury.

Selectmen to adjust the charge.

And be it further enacted,

Poor persons, inhabitants of the province, to be conveyed to places of settlement.

[SECT. 5.] That when and so often as any person or persons to be removed shall be an inhabitant or inhabitants of any town or district within this province, they shall be conveyed to such town or district where he, she or they are inhabitants, or have a settlement, in the same manner as is hereinbefore provided in cases where the persons so removed are not inhabitants of any town within this province, the charge of such conveyance to be paid as by a law of this province is already provided.

And be it further enacted,

Persons removing to any town, to be approbated before they gain an inhabitancy. 4 Mass. 129. 7 Mass. 3. 10 Pick. 22, 513. 8 Cush. 76, 78. 13 Gray, 342, 343.

[SECT. 6.] That from and after the tenth day of April next, no person whatsoever, coming to reside or dwell within any town in this province, shall gain an inhabitancy in such town by any length of time he or she may continue there without warning, unless such person shall first have made known his or her desire to the selectmen thereof, and obtained the approbation of the town, at a general meeting of the inhabitants, for his dwelling there; nor shall any town be obliged to be at charge for the relief and support of any person residing in such town (in case he or she stand in need), that have not been approved as aforesaid.

[SECT. 7.] And all such persons as have not been approved as aforesaid, together with their children, whether born before or after their coming to such town, in wedlock, or otherwise, shall be liable to be sent or conveyed to the town where they properly belong, by a warrant from a justice of the peace, who is hereby empowered, upon application from the selectmen of the town from which such person or persons are to be sent, to issue his warrant, accordingly; excepting for such as are apprentices to some inhabitant or inhabitants of such town, who shall not be liable to be sent or conveyed out of any town where they are apprentices, till the time of their apprenticeship is expired, any law, usage or custom to the contrary notwithstanding.

And be it further enacted,

Certificate to be on the warrant.

[SECT. 8.] That every constable shall, before he delivers said warrant to the constable of the next county, certify his doings thereon.

[SECT. 9.] This act to continue and be in force for the space of three years, and no longer. [*Passed March* 19; *published March* 20, 1767.

CHAPTER 18.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

Preamble.

We, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the public[k] debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned, and pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

From March 24, 1767, to March 25, 1768, impost to be paid.

[Sect. 1.] That from and after the twenty-fourth day of March, one thousand seven hundred and sixty-seven, to the twenty-fifth day of March, one thousand seven hundred and sixty-eight, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz[l].,—

Rates of impost:

For every pipe of wine of every sort, five shillings.

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of tobacco, ten shillings.

For every pound of tea that shall be imported from any of his majesty's plantations in America, fourpence.

—And so, proportionably, for a greater or less quantity.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings' value, excepting such goods as are imported from Great Britain.

—for liquors, goods, &c., belonging to inhabitants of other provinces.

[Sect. 2.] And for any of the liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper acount of any of the said inhabitants of said provinces, colonies or islands, there shall be paid by the importers the several duties of impost following; viz[l].,

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum containing one hundred gallons, thirty-two shillings.

For every hogshead of sugar, eightpence.

For every hogshead of molasses, eightpence.

For every hogshead of tobacco, twenty shillings.

Proviso.

And for all other commodities, goods and merchandize not mentioned or not excepted, eightpence for every twenty shillings' value: *provided always*, that every thing which is the growth or produce of the provinces or colonies aforesaid (tobacco excepted), and all provisions, salt, cotton-wool, bar and pig iron, mahogony, brazilletto, black-walnut, lignum-vitæ, red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

And be it further enacted,

Masters of vessels to make report within forty-eight

[Sect. 3.] That the master of every ship or vessel[l] coming into this province from any other place, shall, within forty-eight hours after his arrival in any port or harbour, and before bulk is broken, make

hours after arrival, and deliver a manifest to the commissioner:

report and deliver a manifest, in writing, under his hand, to the commissioner of impost that is or shall be appointed by this province, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantities of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that, if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he shall forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

—to forfeit, in case of breaking bulk.

[SECT. 4.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[SECT. 5.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz[1].,

Oath.

You, A. B., do swear that the entry of goods and merchandize, by you now made, and the value thereof annexed, is, *bonâ fide*, according to your best skill and judgment, agre[*e*]able to the price current, or the market price of said goods. So help you God.

—which oath the commissioner or receiver, appointed in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

Duties to be paid before landing.

[SECT. 6.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or in any warehouse or other place, but in the day-time only, and that after sunrise and before sunset, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consigned, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

Commissioner allowed to give credit.

[SECT. 8.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall exceed six pounds: which credit shall be so limited as that he shall settle and bal[*l*]ance his acco[un][*mp*]ts with every person, on or before the twenty-fifth day of March, one thousand seven hundred and sixty-eight, that the said accompts may be produced to this court as soon as may be after; and for all entries where the impost to be paid [does] [*doth*] not exceed three shillings, the said commissioner shall not

demand anything, and not more th[a][e]n sixpence for any other single entry, to what value soever.

And be it further enacted,

Importer by land-carriage or in small vessels, to make report.

[Sect. 9.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fourth day of March, one thousand seven hundred and sixty-seven, and until the twenty-fifth day of March, one thousand seven hundred and sixty-eight, by land-carriage, or in small vessels or boats, shall, within twenty-four hours after importation, make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how, and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay, or secure to be paid, the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put into any store or place whatsoever, under penalty of ten pounds.

And be it further enacted,

Allowance for leakage.

[Sect. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for ordinary leakage, besides extraordinary: *provided* such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for that port, on pain of forfeiting the sum of one hundred pounds.

[Sect. 11.] And if it may be made to appear that any wines imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same has not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

And be it further enacted,

[Sect. 12.] That the master of every ship or vessel importing any liquors, wine[s,] goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

Master allowed to detain goods not entered or the duty not paid.

And be it further enacted,

Master liable to be sued.

[Sect. 13.] That the commissioner or receiver of impost in each port, shall be and hereby is impowered to sue the master of any ship or

vessel, for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, aforesaid, as shall remain not entered and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ship, &c., liable to be taken in execution.

[SECT. 14.] That the ship or vessel, with her tackle, apparel[l] and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost has not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy the said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures, or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same as aforesaid; and the master occasioning such loss or damage unto the owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[SECT. 15.] That the naval offi[c]er within any of the ports of this province shall not clear or give passes to any master of any ship or vessel, outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store to be allowed.

[SECT. 16.] And the commissioner or receiver of impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

Preamble.

And for the more effectual preventing [any] [*and*] wines, rum or other distilled spirits being brought into this province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost,—

Be it enacted,

Commissioner

[SECT. 17.] That the commissioner and receiver of the aforesaid

duties of impost shall, and he is hereby impowered and enjoined to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are impowered also to search, in all suspected places, for such wine[*s*], rum or other distilled spirits, or for tea brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided.

to appoint deputies in places where wines, rum, &c., may be brought out of other governments.

And be it further enacted,

[Sect. 18.] That the commissioner or his deputies shall have power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, tea, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

Commissioner or deputy empowered to administer the oaths, and to search and seize.

And be it further enacted,

[Sect. 19.] That there shall be paid, by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pen[*n*]sylvania, West and East Jersey, Connecticut, New York, New Hampshire, Rhode Island and Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the governments aforesaid, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

Tonnage of shipping.

[Sect. 20.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of such ship or vessel, before she shall be cleared, in case she appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

Vessels to be measured, if suspected.

And be it further enacted,

[Sect. 21.] That when and so often as any wine, rum or tea imported into this province, the aforesaid duty of impost upon which shall have been paid agre[*e*]able to this act, shall be re-shipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wines or rum or tea shall make oath, at the time of the shipping, before the receiver of impost, or his deputy, that the whole of the wine or rum or tea so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government.—or the master of the vessel in which the same shall be exported, shall make oath, before the commissioner or his deputy, that the same has been landed, and left in some port out of the government.—and the

Drawback for wine, rum, and tea, allowed, in case.

exporter, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines, rum or tea hath been relanded in this province,—such exporter shall be allowed a drawback from the receiver of impost as follows; viz[t]:,

For every pipe of wine, four shillings.

For every hogshead of rum, seven shillings.

And for every pound of tea, fourpence.

Provided, always,—

Proviso.

[SECT. 22.] That if, after the shipping of such wines or rum or tea to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum or tea so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum and tea so relanded and brought again into this province, shall be forfeited, and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[SECT. 23.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatever relates thereunto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and tunnage of shipping, as aforesaid, that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also a particular account of every vessel, so that the duties of impost and tunnage arising on said vessel may appear; and the same to be open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their ent[*e*]ring upon the execution of their office aforesaid, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon, until one in the afternoon.

[SECT. 24.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of impost, together with the province treasurer, shall judge necessary, for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary [or] [*of*]salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

Disposition of forfeitures.

[SECT. 25.] That all penalties, fines and forfeitures accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of [t]his province, and the other half to him or them that shall seize, inform and sue for the same, by action or information, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

[Sect. 26.] That from and after the commencement of this act, in all causes wherein any claimant shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed and published March* 20, 1767.

Charges of prosecution, how to be paid, in case.

CHAPTER 19.

AN ACT IN FURTHER ADDITION TO THE SEVERAL LAWS NOW IN BEING FOR THE MORE SPEEDY FINISHING THE LAND-BANK OR MANUFACTORY SCHEME.

Whereas, by reason that Samuel Danforth and Nathaniel Hatch, Esq[rs][*uires*], two of the commissioners by law appointed for adjusting the affairs necessary for the equitable finishing the Land-Bank or Manufactory scheme, desire to be excused from officiating any further in that trust, and Thomas Goldthwait, Esq[r]., the other of them, is removed to such a distance that he cannot attend that service, so that no further proceedings can be had for adjusting and finishing those affairs, without the aid of this court,—

Preamble. 1743–44, chaps. 17 and 28. 1744–45, ch. 12. 1748–49, ch. 16. 1750–51, ch. 23. 1754–55, ch. 24. 1757–58, ch. 28. 1758–59, ch. 20. 1759–60, ch. 25. 1762–63, ch. 21.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That Edward Sheaffe, Samuel Dexter and James Humphry, Esq[rs][*uires*], be the commissioners, in the room of the said Samuel Danforth, Nathaniel Hatch and Thomas Goldthwait, Esq[rs][*uires*], to receive commission from the governor; and the said commissioners shall, by virtue of this act, after the said Edward Sheaff[*e*], Samuel Dexter and James Humphry have been duly sworn as the law directs, have as full power, in all respects, as the commissioners heretofore by law appointed, for adjusting and settling the affairs of that scheme, were vested withal; and the several laws of this province relative to said scheme, and each and every clause and paragraph therein, with the powers and directions, in the same laws, given to sheriffs and other ministerial officers, touching the service of executions or warrants, of distress, issued or to be issued by commissioners; the subjecting the estates of delinquents to the payment of assessments; the sale of estates that have or may be taken by execution; the quieting of the purchasers of such estates; and every other matter and thing whatsoever, shall be of force and take place under the commission to be issued, in pursuance of this act, for the better enabling the commissioners herein appointed, and other officers, to proceed to the finishing of those affairs, as fully, to all intents and purposes, as the said laws would or might have taken place, had the commissioners heretofore appointed still continued in that trust.

Edward Sheaffe, Samuel Dexter and James Humphry, Esqrs., appointed commissioners, and their power described.

Provided, nevertheless,—

[Sect. 2.] That the commissioners appointed by this act do not proceed in the execution of their trust farther than to call in what may remain due and outstanding of three first assessments, made by the former commissioners *Anno Domini* one thousand seven hundred and forty-four, and one thousand seven hundred and forty-five, until the further order of this court.

Proviso.

And be it further enacted,

[Sect. 3.] That the commissioners herein appointed are hereby enjoined, from time to time, to render an account of their doings, to the general court, when and so often as said court shall order; the said commissioners to be paid for their time and trouble in executing this trust, as the general court shall hereafter order. [*Passed March* 20, 1767.

Commissioners to render accounts, and be paid for their service.

CHAPTER 20.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, OR NEAR EXPIRING.

Acts revived and continued.

WHEREAS the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; namely, one act made in the ninth and tenth years of the reign of his late majesty King George the Second, intitled "An Act to enable the overseers of the poor, and selectmen, to take care of idle and disorderly persons;" another act, made in the fifteenth year of the same reign, intit[*u*]led "An Act in addition to an act intitled 'An Act for explanation of, and supplement to, an act referring to the poor;'" another act, made in the twenty-sixth year of the same reign, intitled "An Act for further regulating the proceedings of the courts of probate within this province;" another act, made in the twenty-ninth year of the same reign, intitled "An Act in addition to the several acts and laws of this province now in force, respecting poor and idle, disorderly and vagrant, persons;" another act, made in the thirty-second year of the same reign, intitled "An Act in further addition to an act intitled 'An Act for explanation of, and supplement to, an act referring to the poor;'" also, two acts made in the thirty-third year of the same reign; one, intitled "An Act for the better regulating the choice of petit jurors;" the other, intitled "An Act in further addition to the act for limitation of actions, and for avoiding suits in law where the matter is of long standing;" one act made in the third year of his present majesty's reign, intitled "An Act for incorporating the Indians and molattoes, inhabitants of Mashpee, with their lands there, into a district, with certain privileges, and for their better regulation,"—

Act respecting idle and disorderly persons. 1736-37, ch. 4.

Act referring to the poor. 1741-42, ch. 4.

Act referring to courts of probate. 1752-53, ch. 12.

Act referring to poor, idle, and vagrant persons. 1755-56, ch. 43.

Act in explanation to an act referring to the poor. 1758-59, ch. 17.

Act for regulating choice of petit jurors. 1759-60, ch. 29.

Act for limitation of actions. 1759-60, ch. 15.

Act for regulating Mashpee Indians. 1763-64, ch. 3.

Be it therefore enacted by the Governor, Council and House of Representatives,

Saving, with respect to two of said acts. 1759-60, ch. 29. 1758-59, ch. 17.

That such of the before-mentioned acts as are expired, be revived, and such of the said acts as are not yet expired, be continued; *saving* the first part of the first paragraph in the act intitled "An Act for the better regulating the choice of petit jurors," so far as it respects the obligation upon the selectmen to take a list before the tenth of April, one thousand seven hundred and sixty: *saving*, *also*, a part of the last clause in the act intitled "An Act in further addition to an act intitled 'An Act for explanation of, and supplement to, an act referring to the poor,'" which has relation to the late war; and that all and every other article, clause, matter and thing therein respectively contained, shall be in force until the first day of July, which will be in the year of our Lord one thousand seven hundred and seventy, and no longer. [*Passed and published March* 20, 1767.

Limitation.

CHAPTER 21.

AN ACT FOR LAYING OUT AND ESTABLISHING A NEW STREET IN THE TOWN OF BOSTON, LEADING FROM MILK STREET TO BATTERY-MARCH STREET.

Preamble.

WHEREAS Benjamin Hallowell, Esq[*r*]., by his petition to this court, has represented that the late widening of Batterymarch Street, in the town of Boston, has greatly incommoded his ship-yard, and has pro-

posed that Bread Street, crossing Milk Street, should be continued up to his house, and there open into Batterymarch Street, and that the old street leading along his ship-yard, from the bottom of Milk Street, towards his house, and hitherto making a part of Batterymarch Street, should be closed up, and the property thereof, according as the same has been lately widened, vested in him; in consideration whereof he would satisfy the heirs of Stephen Greenleaf and Isaac Dafforn, deceased, and also the heirs of William Hallowell and Samuel Hallowell, for all the land belonging to them, respectively, that might be taken into said proposed new street; *and whereas* it appears, by the memorial of the selectmen of Boston, in answer to said petition, that said proposed new street will be convenient to the public, and that the said town acquiesce in the aforesaid proposal of the said Hallowell, provided, that, at his charge, said new street be made passable for carriages; that the stones of the pavement of said old street be removed to the new street, at his cost; and that he open said new street, at his own charge, into Batterymarch Street; and also, that Milk Street preserve its full length and breadth, as lately projected by a committee of the general court: all which conditions the said Hallowell has agreed to; *and whereas* the said Benjamin Hallowell has agreed with the heirs of the aforesaid Stephen Greenleaf, Isaac Dafforn, William Hallowell and Samuel Hallowell, for the purchase of the land taken into said new street, and said new street has been laid out by a committee of this court,—

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That said new street as now laid out, the westerly side of which begins on the southerly side of Milk Street, twenty-five feet to the eastward of the north-easterly corner of the house now improved by, and belonging to, John Fullerton; and, from thence, runs, on a strait line, to the westerly side of the front door of said Benjamin Hallowell's dwelling-house; and the easterly side of which runs parrellel with, and at forty feet distance from, the said westerly side, which is nearly on a line with the westerly side of Bread Street,—shall be, forever, a public street, and used and deemed as such; and shall be of the width of forty feet throughout its whole length, from Milk Street to Batterymarch Street, aforesaid; and all encroachments thereon shall be removed, as is directed by an act made and passed in the thirty-third year of the reign of his late majesty George the Second, intitled "An Act for the better rebuilding that part of the town of Boston which was laid waste by the late fire, and for preventing fire in that town for the future;" and all actions that shall be brought for recovering possession of any land lying within said street, or for damages sustained or occasioned thereby, shall be barred.

Batterymarch Street laid out anew and described.

1760–61, chap. 9

Provided, nevertheless,—

[Sect. 2.] That said Hallowell is hereby subjected to make good all damages that may arise from his failing to perform the whole or any part of his agreement aforesaid.

Proviso.

And be it further enacted,

[Sect. 3.] That the said Benjamin Hallowell shall be and hereby is subjected, at his own costs, to remove from the aforesaid old street adjoining to his ship-yard, all the paving-stones, into said new street, but not to lay or pave the same; and also, to make the new street, hereinbefore described, passable for carriages, and to satisfy or compensate the heirs above mentioned, as aforesaid.

Duty enjoined on Benjamin Hallowell, Esq.

In consideration whereof, and of his giving for public use the land contained in said new street,—

It is hereby enacted,

[Sect. 4.] That said Benjamin Hallowell shall have all the land

now contained in the said old street, according as the same has been lately widened, by a committee of the general court, in pursuance of an act made in the thirty-third year of his late majesty's reign, intitled "An Act for the prevention of danger and inconvenienc[*i*]e[*s*] in rebuilding that part of the town of Boston that was lately consumed by fire;" that is to say, the southerly line of Milk Street, as settled by said committee, being continued across said old street, the said Hallowell shall have all the land in said old street to the southward of said line, as far as the north side of Batterymarch Street, where said new street will open into it, except so much of said old street as the new street may take in; it being hereby intended that Milk Street should preserve its full length and breadth as settled by the committee aforesaid; the said Hallowell to hold the said land to him, his heirs and assigns, forever: *provided, nevertheless*, that sai[*d**] land shall be and hereby is subjected to secure the heirs aforesaid, in case of said Hallowell's failing to compensate them as aforesaid. [*Passed March* 20, 1767.

1759–60, chap. 30.

Land to remain as security for performance.

CHAPTER 22.

AN ACT FOR [THE] EFFECTUAL PREVENTING THE CURRENCY OF THE BILLS OF CREDIT OF CONNECTICUT, NEW HAMPSHIRE AND RHODE ISLAND, WITHIN THIS PROVINCE.

Preamble. 1761–62, chap. 27.

WHEREAS bills of credit still continue current within the governments of Connecticut, New Hampshire and Rhode Island, and it is of great importance to the interest of the inhabitants of this province, and to the interest of such of his majesty's subjects in Great Britain and elsewhere, as have trade and commerce here, that the currency of said bills should be effectually prevented throughout this government,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Bills of other governments, prohibited,

[SECT. 1.] That every person within this province be and hereby is strictly forbidden to account, receive, take or pay any bill or bills of credit, of either of the governments of Connecticut, New Hampshire or Rhode Island, in discharge of any contract or bargain, or for any valuable consideration whatsoever; and that every person who shall so account, receive, take or pay any of said bills within this province,

—on penalty of £50.

shall forfeit the sum of fifty pounds for every offence; one moiety thereof to his majesty, his heirs and successors, to and for the use of this government, the other moiety to him or them that shall sue for the same; to be recovered, with full cost[*s*] of suit, by action of debt, in any of his majesty's courts of record within this province, or by presentment of the grand jury.

And be it further enacted,

Persons chosen into offices, to take an oath, with an exception.

[SECT. 2.] That from and after the last day of March, which will be in the year of our Lord one thousand seven hundred and sixty-seven, every person who shall be chosen to serve in any office in any of the towns or districts or precincts of this province, such offices excepted to the refusal of which any penalty is, by law, annexed, shall, before his entrance upon such office, take the following oath, to be administred by a justice of the peace, or, where no justice of the peace shall be present, by the town, district, or precinct clerk, who is hereby [e][*i*]mpowered to administer the same; viz[1].,—

* Parchment mutilated.

Form of the oath.

You, A. B., do, in the presence of God, solem[n]ly declare that you have not, since the thirty-first day of March, one thousand seven hundred and sixty-seven, wittingly and willingly, directly or indirectly, either by yourself or any for or under you, been concerned in receiving or paying, within this government, any bill or bills of credit of either of the governments of Connecticut, New Hampshire or Rhode Island. So help you God.

Other officers to be chosen, in case of neglect or refusal.

[Sect. 3.] And where any person, chosen and not exempted as aforesaid, shall refuse or neglect to take the oath aforesaid, on tendering the same, the town, district or precinct shall proceed to the choice of another person in his room.

And be it further enacted,

Person chosen representatives, to take the oath.

[Sect. 4.] That when any person shall be chosen to represent any town within this province, in the general court or assembly, such person so chosen shall take the oath aforesaid; and return shall be made by the selectmen, upon the back of the precept, that the person so chosen hath taken the oath aforesaid; and if any person so chosen shall refuse or neglect to take the oath aforesaid, such refusal or neglect shall be deemed a refusal to serve as a representative; and the town shall proceed to the choice of another person in his room.

And be it further enacted,

His majesty's council, to take the oath.

[Sect. 5.] That the oath aforesaid shall be administred to each of the members of his majesty's council every year, at the same time when the usual oaths required to be taken by the said members of his majesty's council shall be administred; and all officers, civil and military, within this government, who shall be nominated or appointed, shall, before they receive their respective commissions, take the oath aforesaid, and their respective commissions shall be otherwise void; and all persons elected into any office by the general assembly shall be deemed not qualified to enter upon the execution of their respective offices until they have taken the oath aforesaid.

And be it further enacted,

The said oath to be taken upon issuing executions on judgments of court:

[Sect. 6.] That no execution shall be issued from the office of any clerk of any of the inferio[*u*]r courts of common pleas, or of the superio[*u*]r court of judicature, for any sum whatsoever, unless the plaintiff or plaintiffs, suing in his or their own right, and dwelling within this province, shall first take the oath aforesaid, to be administred by a justice of the peace, or by the clerk of the court from which such execution shall issue; and certificate thereof shall be made on such execution; and if any execution shall issue or go forth without such certificate, the same shall be and hereby is declared to be void, excepting as is hereinafter provided: *provided*, *nevertheless*, that no person taking out an *alias* execution, shall be required to take said oath; and no licence shall be granted to, nor any recognizance taken from, any taverner, innholder or retailer, by the justices of any of the courts of session within this province, until[*l*] such taverner, innholder or retailer shall have taken said oath in presence of the court, or certificate of his having so done, from a justice of the peace, shall be presented to the court.

—and upon taking out licenses.

And be it further enacted,

Clerk's fee.

[Sect. 7.] That for every oath administred as aforesaid by the clerk of any court, he shall be allowed threepence, and for every certificate by him signed as aforesaid, threepence, and no more; and the cost and charge of such oath and certificate shall be added to the sum in the execution required to be levied accordingly.

Preamble.

And whereas it frequently happens that persons who are intitled to take out writs of execution upon judgments by them obtained, are absent out of this province, or employed in his majesty's service in such parts of it as are very remote from the places where such judg-

ments are entered, and so cannot take the oath by law appointed to be taken before executions are issued; wherefore, for remedy of these inconveniencies,—

Be it enacted,

Proviso with regard to executions, where persons are absent or remote.

[SECT. 8.] That when any person or persons shall be absent from this province, or employed in his majesty's service in such parts thereof as are very remote from the courts or places where they recover judgments, in all such cases it shall be lawful for the clerks of the superio[*u*]r court of judicature, court of assize and general goal delivery, and of the inferior courts of common pleas, or other courts of law, to issue writs of execution, when applied for, upon judgments recovered by such person or persons as are before mentioned, notwithstanding he or they have not taken the oath appointed by this act to be taken: *provided*, *nevertheless*, that before executions are issued, as aforesaid, a certificate in writing, under the hand of any justice of the peace for any county in the province, shall be delivered to the clerk who issues the execution, setting forth that, at the date of such certificate, the person or persons on whose behalf execution is applied for, is then out of the province, or employed in his majesty's service as aforesaid.

Certificate thereof to be delivered to the clerk.

Limitation.

[SECT. 9.] This act to continue and be in force until the last day of March, which will be in the year of our Lord one thousand seven hundred and seventy. [*Passed and published March* 20, 1767.

NOTES.—All the public acts of this year were printed,—chapter 6, separately; and the engrossments of all acts are preserved, including one private act, the title of which is as follows:—

"An Act to enable William Pepperrell Sparhawk Esq[r] to take the name of William Pepperrell." [*Passed June* 18.

The acts of the first session were certified for transmission, August 10, 1766. They were received by the clerk of the Privy Council, in waiting, on the seventh day of November following, and immediately referred to the committee on plantation affairs, by whom, on November 29, they were referred to the Lords of Trade. They were received by the latter, December 6, read December 8, and thereupon referred to Sir Matthew Lamb, who reported, May 2, 1767, that, "upon perusal and consideration of the before mentioned Acts I have no objections thereto in point of law." This report, together with the acts to which it referred, was considered by the Board, June 12, 1767; and the draught of a report to the Lords of the Council was ordered to be prepared, proposing the disallowance of chapter 5.—See the note to that chapter, *post*.

The acts of the second session were certified for transmission, December 27, 1766. They were received by the Lords of Trade, March 10, 1767, and the proceedings that followed are shown in the note to chapter 10, *post*.

The acts of the third session were certified for transmission, May 2, 1767, and were laid before the Lords of Trade, June 30, and immediately referred to Sir Matthew Lamb, for his opinion thereupon. On the fifteenth of November Sir Matthew Lamb reported that he had "no objection thereto in point of law," which report, with the accompanying acts, was read at the Board, December 1, when the further consideration of chapter 22 was postponed to December 8, 1767, after which no record of any further proceedings upon the acts of this year has been discovered.

Chap. 1. See note to 1768, chap. 1, *post*.

Chap. 2. "June 14, 1766. On the Petition of William Miller and Others Inhabitants of that part of the Town of Bristol in the County of Lincoln formerly called Walpole: A Bill was brought in intitled 'An Act in addition to an Act intituled An Act for erecting a Town in the County of Lincoln by the name of Bristol,' The said Bill having been read a first and second time In Council, Passed to be Engrossed.

In the House of Representatives, Read a first, second and third time, and passed a concurrence."—*Council Records, vol. XXVI., p.* 255.

Chap. 5. "Nov. 1, 1765. In the House of Representatives. Ordered that Col[o] Bowers, M[r] Hall, Col[o] Noyes, M[r] Cushing and Cap[t] Brown with such as the Hon[ble] Board shall join be a Committee to consider the Expediency of Repealing the act respecting insolvent Debtors &c and report.

In Council, Read and Concurred, and William Brattle, Harrison Gray and Nath[l] Ropes Esq[rs] are joined in the affair."—*Council Records, vol. XXVI., p.* 103.

The committee appointed as above, reported a bill to the Council, on the fourth of February, 1766. The bill so reported, which provided that it should not be so construed as "to exclude such as have made application since the first of Nov[r] last, in order to receive y[e] benefit of s[d] acts" was recommitted, after a second reading in the House, and, on the tenth of February it was passed to be engrossed, in the Council,

"as taken into a new draught by the committee." The House refused to concur in this vote, although the new draught appears to have been identical with the present chapter, and voted for the appointment of a new committee, to report, at the next session, "what they judge proper to be enacted relating to the repeal" of the insolvency-acts, "or to report a new bill." The Council nonconcurred, and voted to adhere to their vote of the tenth of February. The House thereupon receded; and the bill was passed to be enacted in both branches, but failed to receive the assent of the Governor, for the reasons which appear in his letter to the Lords of Trade, dated March 10, 1766, from which the following extract is taken:—

"There was another Bill laid before me, which I have not passed: that is a Bill for repealing the late Insolvent Act. The reason given for it was that the Act had been much abused by fraudulent debtors. But it is the nature of these Acts to be subject to abuse and much more so where they are not assisted by a Court of Equity which can enquire into frauds, And yet without them the Common Law is pregnant of greater abuses from partial attachments and fraudulent judgments. I therefore thought and with me many others that the Act should be rather amended than repealed, But if it was to be repealed, it ought to be done at a day distant from the passing the Act of repeal, that absent Creditors who now trust it may know when it is to cease. For these reasons I have declined passing the Bill, tho' as the General Court is continued by adjournment I can yet do it if I see occasion."—"*Mass. Bay, B. T.,*" *vol.* 79, *M. m.*, 2, *in Public-Record Office.*

"Feb. 21, 1766. In Council. Whereas a Bill has passed the two Houses and now lies before his Excellency for consideration intituled 'an Act for Repealing two Acts, one intituled An Act for preventing fraud in Debtors and for securing the Effects of Insolvent Debtors for the benefit of their Creditors: The other Act intituled An Act in addition to an Act for preventing fraud in Debtors and for securing the Effects of Insolvent Debtors for the benefit of their Creditors: both made in the fifth year of his present Majesty's Reign.' Ordered That the Justices of the Superior Court of Judicature &c. be and hereby are directed to issue no Warrants for attaching the Effects of absconding or concealed Debtors until after the end of the present Session of the General Court, saving to those who had before this time legally applied for said Warrants, and had a right to the benefit of said Acts. In the House of Representatives, Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXVI., p.* 197.

"Feb. 21, 1766. In Council (19th). The Board being informed that application had been made to Benja Lynde Esqr one of the Judges of the Superior Court by the Creditors of Mr Henry Quincy a person represented insolvent for a Warrant to attach the Effects of the said Quincy the Board thereupon sent for Capt Samuel Bulfinch who had been employed in this business, who accordingly appeared before the Board and informed them that he went to Salem on Monday the 17th Instant, and asked of Judge Lynde a Warrant to attach the Effects of Mr Henry Quincy a person insolvent. The Judge asked him if he was a Creditor? He said No; but that he came by desire of Mr Quincy and shewed him a petition from about a dozen of the Creditors—When the Judge knew he was thus impowered, and the demand was still made, he replied, he would make a minute of it, and if the Others who applied had the benefit of the Act Mr Quincy would have it likewise. Judge Lynde inquired of Mr Bulfinch if the Bankrupt Act was repealed, who told him, it was not: and in the conversation the Judge said, he did not choose to issue a Warrant unless he could be indemnified against the penalties of the Stamp Act. Thereupon Ordered That the Secretary send by Express a Copy of this information to Judge Lynde and acquaint him that the Board would be glad he would forthwith come and take his seat in Council if he can conveniently, that he may then inform the Board of the true state of this matter, and if he cannot attend in person that he would write them and let them know whether his difficulty arose from the uncertain situation in which he left the Bankrupt Bill, or whether it arose from the penalties he might be exposed to on account of the Stamp Act; on which last Article he is requested to be full and explicit.

In Council (20th). The Board having received a Letter from Benja Lynde Esqr one of the Justices of the Superior Court in reply to what had been alledged Yesterday by Mr Bulfinch of his having refused to grant a Warrant to attach the Effects of an insolvent Debtor—The said Letter was read at the Board, and it was thereupon Resolved, that Judge Lynde's Reply was fully satisfactory to the Board; and that it thereby appears that his Conduct in the affair is not only free from all blame, but that it merits the approbation of the Board."—*Ibid.*

"June 17, 1766. In the House of Representatives. Ordered that Mr Otis, Colo Bourne and Majr Humphrey with such as the Honble Board shall join be a Committee to bring in a Bill for the Repeal of the Bankrupt Act. In Council. Read and Concurred, and James Bowdoin and Harrison Gray Esqrs are joined in the affair."—*Ibid., p.* 258.

"June 25, 1766. His Excellency acquainted the Board that a Bill for repealing the Bankrupt Acts passed the last year, had been laid before him, and stated to the Board certain difficulties he had about giving his Consent thereto, particularly as it might affect Creditors in England, who being at a distance might in many cases be prevented coming in for any share of the effects of Insolvent Debtors.

His Excellency further informed the Board that he had laid this difficulty before the Board of Trade when such a Bill was laid before him the last Session, which made it more difficult for him to sign the Bill now before him; but that on the other hand he understood that the inconveniences that would attend the Creditors in England by the fraudulent practices upon the said Acts, might be greater and more prejudicial to them than if the Repeal of the said Acts were to be suspended for some months: And asked the Advice of the Board upon the whole matter.

The Board were of Opinion that the inconveniences that would arise from the suspending the Repeal of the said Acts for such a term of time, would be greater and

more prejudicial to the British Merchants than the inconveniences first mentioned: And thereupon

Advised 13, to 3,—That upon consideration of all circumstances His Excellency Sign the Bill now laid before him."—*Executive Records of the Council*, 1765–1774, *p.* 127.

"Among the Acts which are now transmitted to Your Lordships is an Act for repealing the Bankrupt Act, which I've before observed upon. All Acts of this kind are very subject to abuses: this had produced so many fraudulent insolvencies, that people of all kinds, were earnest for having it repealed. I had refused it in a former Session because I thought Creditors ought to have previous notice of the repeal taking place. This objection had less weight in this Session, as it was urged that the two Houses passing the Bill last Session was giving such notice as I had required. Being very much pressed to pass this Act, I took the advice of a very full Council, when having stated my reasons why the repeal ought to take place at a distant day, they were unanimously of opinion that the inconveniences arising from the postponing the repeal, which were certain, greatly outweighed those apprehended from making it instant, which were barely probable, I thereupon passed the Act."—*Gov. Bernard to Lords of Trade, Sept. 3*, 1766: "*Mass. Bay, B. T.*," *vol.* 79, *M. m.*, 44, *in Public-Record Office.*

"At the Court at S^{t} James's the 24th day of July 1767—

Present

The Kings most Excellent Majesty—

Arch Bishop of Canterbury	Earl of Shelburne
Lord Chancellor	Viscount Falmouth
Duke of Queensberry	Viscount Barrington
Duke of Ancaster	Viscount Clare
Lord Chamberlain	Bishop of London
Earl of Litchfield	M^{r} Secretary Conway
Earl of Bristol	Hans Stanley

Whereas the Great and General Court or Assembly of his Majesty's Province of the Massachusetts Bay in New England did in June 1766 pass an act which hath been transmitted intituled as follows viz^{t}—

'An Act for Repealing two acts, one intituled, an act for preventing fraud in 'Debtors & for securing the Effects of Insolvent Debtors for the benefit of their 'Creditors; the other act intitled, an act in addition to an act for preventing fraud 'in Debtors and for securing the Effects of Insolvent Debtors for the benefit of their 'Creditors; both made in the fifth year of his present Majesty's Reign.'

Which Act having been under the Consideration of the Lords Commissioners for Trade & plantations, and also of a Committee of the Lords of his Majesty's most honourable Privy Council for Plantation affairs, the said Lords of the Committee did this day Report to his Majesty as their Opinion that the said act ought to be disallowed & rejected,—His Majesty taking the same into consideration, was pleased, with the advice of his Privy Council to declare his disallowance of the said Act, and to order that the said act be, and it is hereby disallowed and rejected—Whereof the Governor, Lieutenant Governor or Commander in Chief of his Majesty's said Province of the Massachusetts Bay, for the time being and all others whom it may concern are to take Notice & Govern themselves accordingly.—

W. SHARPE."—*Records of Commissions in Office of Secretary of the Commonwealth, vol.* 3, *p.* 97.

"Feb. 3, 1768. His Excellency having laid before the Board an Order of His Majesty in his Privy Council, dated the 24th day of July 1767, by which His Majesty hath been pleased to disallow and reject an Act passed by the Great and General Court or Assembly of this Province in June 1766, intituled as follows, viz^{t} *An Act for repealing two Acts one intitled An Act for preventing fraud in Debtors and for securing the effects of Insolvent Debtors, for the benefit of their Creditors; the other Act intitled An Act in addition to an Act for preventing fraud in Debtors and for securing the effects of Insolvent Debtors for the benefit of their Creditors*, both made in the fifth year of His present Majesty's reign.

It was Advised and Ordered that notice be given in the Massachusetts Gazette, that the said Act is disallowed and rejected, that all persons concerned may govern themselves accordingly."—*Executive Records of the Council*, 1765–1774, *p.* 280.

See, further, 1769–70, chap. 10, and note, *post.*

Chap. 6. "June 5, 1766. The House took into Consideration the Circumstances of such Towns as sent no Representatives the present Year.

Resolved, That the several Sums be added in the next Province Tax Act, to be laid on the following Towns respectively, for not sending any Persons to represent them in the General Court the present Year, Viz.

Brookline,	£10 0 0
Walpole,	8 0 0
Wenham,	6 15 0
Middleton,	7 17 0
Manchester,	5 15 0
Wilmington,	7 0 0
Holliston,	6 15 0
Acton,	6 5 0
Duxborough,	9 0 0
Hopkinston,	9 0 0
Petersham,	6 0 0
Georgetown,	10 0 0
Dudley,	6 0 0"—*House Journals*, 1766–67, p. 48.

"June 14, 1765. In the House of Representatives. Whereas the Tax laid upon the Town of Newbury port on the division of the Tax of the whole Town in the year 1764 was not taken from any valuation and perfect Lists of the Assessments laid on the Inhabitants of Newbury port for Lands within the Town of Newbury by said Town, and also on Newbury by Newbury port cannot be obtained for want of time this Session. Therefore

Resolved That the assessors of Newbury for the year 1761 together with the assessors of Newbury port for the present year be directed to prepare such List according to the last valuation taken thro' the Province in the year 1761, and make return of such List to this Court at their next Session: and if it appears by such List that the Tax now laid upon each Town is unequal it shall then be set right in the next Tax Bill, and the Sum or Sums so assessed since the Division of the Town shall be repaid to either Town. In Council, Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXVI., p.* 26.

"June 18, 1765. In the House of Representatives. Whereas the General Court at their Session in June 1764 ordered that the sum of Twenty five pounds seventeen shillings and one penny should be added to the Tax of the Town of Deerfield for the year 1765, being so much paid out of the Province Treasury to John Worthington and Joseph Hawley Esq^rs and Major Benj^a Day, a Committee of this Court to Settle the Line between Deerfield and Hunts Town &c And Whereas the Tax Bill for the current year passed this House before said Order was taken notice of. Therefore Ordered that the said Sum of £25: 17: 1 be added to the Tax of Deerfield for the year 1766. In Council, Read and Concurred. Consented to by the Governor." —*Ibid., p.* 38.

"June 20, 1765. A Petition of the Selectmen of Gorham—praying that in consideration of their losses the last year by Fires &c it will be very difficult for them to pay their Province Tax; that they are now about Settling a Minister, which will bring a considerable charge upon them. And praying that their Province Tax for 1764 may be abated them.

In the House of Representatives, Read and Ordered that the Province Tax laid on Gorham for the year 1764 be suspended. And that the same be added to their Province Tax in the year 1766; and the Treasurer is directed not to issue his Execution against said Town in the mean time. In Council, Read and Concurred. Consented to by the Governor."—*Ibid., p.* 47.

"July 24, 1765. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Select Men of the Town of Sunderland, or their Order, the sum of Ten Pounds two shillings and six pence, granted by the General Court, the same to be added to the Province Tax of the District of New Salem the next Year, and this sum to be in full of any disputes between the Town of Sunderland and the District of New Salem, relative to the Representatives Pay; said Grant was made November 3^rd 1764, for which no warrant was then issued."—*Executive Records of the Council*, 1765 *to* 1774, *p.* 23.

"June 19, 1766. Advised and Consented that a Warrant be made out to the Treasurer to pay unto Ephraim Sherman, for the use of the Town of Grafton, the sum of Seven Pounds five shillings, Allowed by the General Court as an abatement of the Fine laid on said Town for not sending a Representative to the General Court the last year."—*Ibid., p.* 124.

"June 18, 1767. A Petition of Joseph Mellen Agent for the Town of Hopkinton Praying that in consideration of their poverty, and the Expence they have lately been at in supporting their poor, in repairing their meeting House, and in building a School House; a Fine of nine pounds laid upon them the last year for not sending a Representative may be remitted them.

In the House of Representatives. Resolved That there be allowed and paid out of the public Treasury to Joseph Mellen agent for the Town of Hopkinton the sum of nine pounds, the said Town being fined that Sum for not sending a Representative to the General Court the last year.

In Council, Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXVII., p.* 71.

"Jan. 6, 1768, Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Select Men of the Town of Glocester the sum of Fifty Pounds; that sum being abated said Town by the General Court, in their Taxes for the year 1766."—*Executive Records of the Council*, 1765-1774, *p.* 270.

Chap. 8. The action of the Legislature upon the petitions of John Franklin, Isaac Winslow and others, and upon the memorial of Thomas Stevens, for encouragement in the manufacture of potash, is given in the note to 1754-55, chap. 26, *ante*. That act, the operation of which was limited to July 1, 1760, was continued, by subsequent acts, beyond the time of the adoption of the Constitution, and, with the act of June 17, 1791 (chap. 9), which superseded it, is the basis of the existing statutes upon the subject, although it appears from the following petition, that nearly a year after the passage of that act there was no incumbent of the office of assayer, and no evidence has been discovered of the appointment of such officer during the provincial period:—

"Dec. 12, 1755. A Petition of *Joseph Wilder*, Jun. and *Caleb Wilder*, of *Lancaster* in the County of *Worcester*, setting forth, that they have acquired the Art of making *Pot-Ash* and *Pearl-Ash*, have now by them a Quantity of the said Commodities, which they propose to ship for *Great Britain*, but by an Act of this Province passed in the twenty-eighth Year of his present Majesty's Reign, they cannot ship off the same before it shall be Assayed by an Officer to be for that Purpose appointed by the General Court; therefore praying that an Assay-Master may be appointed agreable to the said Act.

Read and *Ordered*, That Mr. *Gridley*, Mr. *Wilder*, and Judge *Russell*, be a Committee to take this Petition under Consideration, and report thereon."—*House Journal*, *p.* 228.

The Board of Trade had encouraged the production of this new staple of the American colonies, which, they hoped, would, ultimately, render the mother country independent of foreign markets, for a material indispensable to certain established industries in Great Britain; and the encouragement thereof by the Home Government might, moreover, be regarded as a concession to the growing spirit for manufactures, in the colonies, though in a line in which British manufacturers would incur no possible danger from competition. In legislating for the encouragement of this manufacture, the principal difficulties encountered, arose from insufficient knowledge of the art of producing potash, and from the want of certain and convenient tests of its strength and purity: the latter being as necessary to maintain its reputation in the market, as the former was to enable the producers to compete with the prices of the article imported from foreign countries.

The following extracts exhibit some of the more important steps in the progress of this manufacture in Massachusetts, as well as of the movement resulting in the passage of this chapter. It was not, however, until after the passage of the act of June 17, 1791, that potash and pearlash, of Massachusetts brands, began to compete favorably with those inspected and branded in New York, where a more rigid system was adopted earlier.—See Dr. David Townsend's pamphlet on the manufacture of pot and pearl ashes, Boston, 1793.

"To His Excellency William Shirley Esq^{r} Cap^{t} General & Commander in cheif of the Province of the Massachusetts Bay &c. &c. &c. and

To the Hon^{ble} His Majesties Council and House of Representatives in general Court assembled—

The Petition of those engag'd in the Manufactory of Pot-Ash humbly sheweth—

That your Petitioners having with great labour and Expence erected Buildings and prepard Materials for making tryal of the beforemention'd Manufacture, the practice of which tho' often attempted here to little or no purpose, is now or will in a short time be made so intelligible, as to render it at least a very advantageous Branch of Trade, if not the principal Staple of the Country, provided some Encouragement could be afforded which may contribute to support the extraordinary charge naturally attending the investigation of things of this Nature, and so requisite to bring them forward to Maturity;

Would therefore humbly pray this Hon^{ble} Court that they would please to grant Encouragement in such way and manner as in their Wisdom they may judge meet, both as an alleviation of the extraordinary Expence and trouble your Petitioners have been att, and for the farther promoting so valuable a Branch of Trade as your Petitioners apprehend this Manufactory is likely to prove to this Country in general, and to this Province in particular.—

And your Petitioners as in Duty bound shall ever pray &c RICH^{d} GRIDLEY
JN^{o} MASCARENE
Boston 14th April 1756— HENRY BARNES

In Council April 15 1756 Read & Sent down—Oct^{r} 20th referred to y^{e} next sessions—& y^{e} Com^{tee} viz^{t} Otis Folger Taylor Worthington Hubbell have leave to sit again."—*Mass. Archives*, *vol.* 59, *p.* 422.

"Gentlemen of the Council & House of Repres^{ves}

This accompanies a Petition of Mess^{rs} Gridley Mascarine & Barnes, Undertakers of the Manufacture of Potash within this Province Praying for some Encouragement from this Governm^{t} in that Business:

I think myself obliged to recommend this matter to your Consideration as that which the Parliam^{t} of Great Britain have much at Heart; And which, If it takes Footing here cannot fail of being highly beneficial to this Province by Introducing a good Staple for our Trade & Faciliting the Clearing of our unimproved Land & thereby Promoting our Husbandry: I think it will be our Wisdom to encourage such Productions & Manufactures among ourselves as will be so far from giving umbrage to the Governm^{t} at Home as they will render us more acceptable to them especially if we can also otherwise find our own account therein.

As to the particular Way of Answering the Petitioners Request I leave to your Discretion; but think the Affair of such Importance as to require your deliberate attention. W SHIRLEY."—*Ibid.*, *p.* 423.

"Province of the Massachusetts Bay } To his Honour Spencer Phips Esq^{r} Lieu^{t} Governour & Commander in Chief, The Hon^{ble} his majestys Council & House of Representatives in General Court assembled May 1756.

The Memorial of those engag'd in the Manufactory of Potash—

Humbly Shew

That your memorialists at the close of the last Session of the Great & General Court for this province presented the Petition accompanying this memorial, praying as in said Petition appears but by reason of the weighty affairs then lying before the said Court nothing was done on said Petition

Wherefore Your memoralists pray that Your Honours would be pleased to take the said Petition & recommendation of his Exc^{y} Gov^{r} Shirley on the Subject matter of said Petition into consideration and do that therein which to Your Honours shall be thought meet, and as in Duty bound they will ever pray &c.

JN^{o} MASCARENE for self and the others concern'd."—*Ibid.*, *p.* 424.

"Province of the Massachusetts Bay } To his Honour Spencer Phips Esq^{r} L^{t} Governour & Commander in chief, The Hon^{ble} his majesty's Council, & Hon^{ble} House of Representatives in General Court assembled Oct^{r} 1756.

The Petition of John Mascarene
Humbly Shews,

That your Petr has lately gained the Art of manufacturing of Pot-ash, & being willing to bring the same to perfection has expended large sums of money in erecting Buildings & setting up Works at a place called Cold Spring in the County of Hampshire.—That your Petitioner finding it impossible to carry on the said Works without assistance, communicated the said Art to six Persons, who now aid your Petr in the management of said Business, & without whose assistance the said Works must stand still, & a stop put to the said manufactury.—and inasmuch as the manufacturing of pot-ash has from experience already been found to be a great publick Benefit.

Your Petr humbly prays that Your Honrs would be pleased to Grant a Protection to the said Six men, that so they may be freed from any Impress which may occasion an obstruction to their Carrying on the Business aforesd—and your Petr as in Duty bound will ever Pray &c

Jno Mascarene.

In the House of Representatives Octr 20. 1756. Read and Ordered That the Prayer of this Petition be so far granted, as that the Petr have six men freed from any impress while he carries on the Pot-Ash business at Cold Spring for the space of six years, he giving in their names to the Colonel of the Regiment they belong to, That so they may not be shifted unnecessarily.

Sent up for Concurrence Attest: Henry Gibbs *Cler Dom Rep*

In Council October 23. 1756 Read and unanimously Non Concur'd

Thos Clarke Dpty Secry."—*Ibid.*, *p.* 425.

To His Excellency Thomas Pownall Esqr Captain General and Commander in chief of His Majesties Province of the Massachusetts Bay in New-England &c. &c. &c. and

To the Honourable His Majesties Council and House of Representatives for the said Province in general Court assembled November 23d 1757.—

The Petition of John Mascarene of Boston Merchant humbly sheweth

That your Petitioner, upon the Encouragement which Mr Stevens (a Gentleman who lately came from England) had receiv'd from the Right Honble the Board of Trade for setting up the Manufactory of Pot-Ash in America, and prompted by the desire of undertaking a Business which seem'd to promise so many advantages to this Country; did at his own Expence and charge about two Years past, undertake to erect buildings, and prepare necessary Works and Materials for carrying on the said business, but that your Petitioner finding the Method then practis'd insufficient to answer the end propos'd, has since that time with unwearied diligence and application been making alterations, trying Experiments, and using all Methods which the Nature of the thing seem'd from step to step to require, in order to bring the business to perfection, and render it capable of being carried on in a plain and regular Manner, which he has so far effected as to be able to produce Pot-Ash equal, if not superiour to what is made in Russia, as is evident from its obtaining the highest Markett in London, signified to your Petitioner in a Letter from his Correspondent there, and that your Petitioner having nearly compleated the necessary preparations is now prosecuting the said Business. And as your Petitioner doubts not he can sufficiently satisfie any impartial Enquirer of the many advantages which will arise to the Country in general, and to the Farmer in particular from the prosecution of this Business, and able also to satisfie any Committee which this Honble Court may appoint of the Improvements made in the said Pot-Ash manufacture, and of the great trouble and Expence your Petitioner has been at therein, insomuch that unless some assistance be granted to reimburse his former Expences, your Petitioner finds himself unable to carry on the same, and thereby the said Manufacture may in a great measure, if not wholly be discourag'd.

Your Petitioner therefore humbly prays that he may be look'd upon as one who has been employing his stock and Talents in the Service of his Country, and in consideration thereof may receive some reimbursement of the heavy burthen which he has drawn upon himself, or be assisted in such other way as the Honble Court shall in their Wisdom think most convenient, to enable him still to prosecute the said Business, and thereby lay a foundation for the increase of this valuable manufacture, which will prove One very advantageous Spring of Wealth to this Province, and such an One as (has been very justly observ'd in a late Speech from the Chair) will not be likely to fail, having its Source in the Profits arising from our own produce, Labour, and Export.

Your Excellency and Honour's favourable return to this Request, will command your Petitioners assiduous application to the Business thereby encourag'd, and will farther oblige him as in Duty already bound to pray &c—

John Mascarene."—*Ibid.*, *p.* 439.

This petition was read in the House, Dec. 10, 1757, and ordered to lie on the table. It came up again before the next Assembly, when it was "read and ordered that the consideration of this memorial be referred to the next sitting."

The next legislative proceeding upon this subject appears in the following entry:—

"Oct. 19, 1764. In the House of Representatives: Ordered That Mr Thacher Mr Wilder, Cole Chandler, Capt Taylor and Cole Nichols with such as the honorable Board shall join be a Committee to consider and report at the next Session a method to regulate the Manufacture of Potash.

In Council Read and Concurred and Saml Danforth, Wm Brattle James Russell and Royall Tyler Esqrs are joined in the Affair."—*Council Records, vol. XXV., p.* 284.

"May 30, 1765. Soon after my arrival to this Government, I formed in my mind an Idea of three improvements which this Country was capable of making profitable to itself and convenient to Great Britain; I mean Potash Hemp and the carrying Lumber to the British Markets. They are all proper Staples for New England

and must be very acceptable to Great Britain as she is at present supplied with them from Foreigners by a losing Trade. I have already had the pleasure to see the first of these established with Effect, and wanting now nothing but care to preserve its Credit & prevent the general quality of the Goods which is of a superior kind being rendered doubtful and suspicious by the fraudulent practices of particulars. This is a necessary Caution at the commencement of a new Trade: for upon its first Reputation depends its future Success. There is already a Law for the regulation of this Trade; but it wants to be carried into execution: this I must desire may be done this Session as it is now become immediately wanting.

* * * * * *

These are proper Objects of your concern, Works which naturally arise in your own Country, strengthen your Connection with Great Britain, may easily be confined within yourselves, and will soon be superior to those of foreign Rivals. When these are added to your other Resources they will form a Fund, which with the Blessing of God upon your Industry and Frugality will be adequate to the expence of all necessary Imports: and you will have no Occasion as you have hitherto shewn no disposition, vainly to attempt to transfer Manufactories from their settled Abode; an undertaking at all times difficult; but under the disadvantage of high priced labour impracticable."—*Extract from Governor Bernard's speech to both Houses: ibid., vol. XXVI., p.* 5.

The Governor's recommendation respecting potash was immediately referred to a joint committee, consisting of Col. Partridge, and Messrs. Wilder and Bourn, of the House, and Messrs. Samuel Danforth and John Chandler, of the Council. On the 24th of June, this committee reported the following bill, which was read and recommitted:—

"An Act in addition to an Act, entitled an Act for appointing Assayers of Pot Ash & Pearl Ash,

Whereas in and by the said Act, it is declared, 'that, from and after the first day 'of July 1754, no Pot Ash or Pearl-Ash made within this province, shall be shipped 'or exported, but such as has been assayed, and found to be of sufficient strength & 'purity, and to have those qualities in such degree of perfection, as shall be ascer-'tain'd & fixed by this Court (or such fit person as shall be appointed & author-'ized for that purpose) as the standard of such pot ash or pearl ash, as shall be 'deemed merch^ble & fit for exportation.' but as the Quantity of pot ash & pearl ash, made within this province, has been, till of late, but small; and this court has therefore thought it unnecessary to fix the Rule or standard for assaying the said materials before this time, when it is very evident, that there are brought to market, and to be shipped for Great Britain & other places great Quantities thereof;—In order to carry the said act into execution and

For the more effectually preventing the mischiefs which may attend or be consequent upon shipping Pot ash & pearl ash, on board of any Ship or other Vessel without being first duely assayed, and for the better securing the dealers in said Comodities against all kinds of Frauds & Impositions from ill minded persons

Be it enacted by the Governor, Council & House of Rep^ves, that no pot ash, or Pearl ash made, or that shall be made within, or that shall be imported into, this province, shall be shipped or exported, but Such as shall have been assayed, and discovered and judged by the Assaymaster to be of sufficient purity, and of Such degree of Strength, as shall be evident, from its weighing (upon due experiment, of thirty two Carats reduced to a lye) not less than ten Carats more than common Water or from other more expeditious & equally certain experiment & proof of the said quality which shall be Satisfactory to the Assaymaster, and which he is to use accordingly to his best Skill & Judgement in the Nature & properties of the said material and that every barrel of pot ash or pearl ash, being so Assayed & proved to be good and Merchantable, according to the Rule or standard, established as aforesaid shall be by the said Assaymaster marked or imprinted by some distinguishing Mark or Brand (as is by the said Act provided) to denote the same having been assayed & approved.

And be it further enacted by the Authority afors^d, that all such Casks of pot ash or pearl ash, that shall by the Assay master, be found impure in its quality, and not of sufficient strength, agreable to the Rule and standard fixed by this Act, may nevertheless be offered and sold at Market, for the value of it, or what it will produce; or be shipped or exported by the Maker or other person or persons, under Some certain Mark or Brand (to be appointed by the Gov^r & Council) distinguishing y^e same from the Casks of pot ash or pearl ash, w^ch shall be found good & Merchantable,

And be it further enacted, that every Cask of pot ash and pearl ash that shall be offered for sale in any port or place of export within this province, shall be imprinted with the first Letter of the Christian Name of the owner or owners, maker or makers, and his or their Sirname or names at length, and also with the Name at length of the town or place, where the pot ash or pearl ash was made.

And be it further enacted that every Assaymaster is, & shall be by this Act authorized, in Case he shall judge it necessary, to shift or Cause to be shifted, with due care and caution the whole or any part of a quantity of pot or pearl ash, which shall be contained in one or more Casks, into other suitable Cask or Casks, in order the more effectually to discover & prevent all fraud & Imposition: and in case, any ill minded person or persons shall presume to mix or cause to be mixed with any pot ash or pearl ash (sold or offered for Sale at market) any foreign matter of any sort or kind, & shall be thereof convict, shall forfeit & pay to the person injured; a Sum not exceeding treble the amount of the Damage thereby sustained, at the Discretion of the Court or Justice before whom the Cause shall be tried—Such treble Damages to be estimated by two or more meet Persons to be appointed

by such Court or Justice for that purpose: or in such other way & manner as to such Court or Justice respectively may be Satisfactory. This act to continue & be in force from the Day of next, to the Day of which will be in Year of our Lord 1768—& no longer."—*Mass. Archives, vol. 59, p. 504.*

"June 25, 1765. In Council. The Committee to whom was recommitted the Bill for appointing Assayers of Pot ash and pearl ash, having reported that as the Court is in expectation of rising to day, they are not able to offer a Bill for the purpose so precise and exact as it ought to be. Ordered that the said Committee prepare a Bill; and that it be brought in the next Session of this Court. In the House of Representatives. Read and Concurred."—*Council Records, vol. XXVI., p. 63.*

No further action appears to have been taken upon this matter during this or the following session; but early in the third session the subject was again brought up, and another committee, consisting of William Brattle and Royall Tyler, of the Council, and Messrs. Sheaffe, Wilder and Hall, of the House, was appointed, Jan. 17, 1766, "to consider some proper measures for encouraging the manufacture of potash within the province and for preventing fraud therein, and report." On the 19th of February, the further consideration of the "affair relative to potash" was referred to the next sitting of the Assembly, and the committee was "directed to sit, in the mean time, and make report at the said session."

In the next General Court this committee was enlarged by the addition of Thomas Flucker, from the Council, and Messrs. Hancock, Partridge, and Taylor of Southborough, in place of Messrs. Wilder and Hall, of the House. This was May 30; and, on the 18th of June, in answer to a message from the House, a bill was sent down from the Council, where it had passed to be engrossed. The House, thereupon, on the 19th and 20th, took the testimony of Messrs. Edmund Quincy and Samuel Blodget, respecting the manufacture, "true standard," and method of assaying, potash and pearlash, and the testimony of Caleb Wilder, of Lancaster, on the subject of the true standard of potash; upon which last-named subject, also, Professor Winthrop was ordered to confer with Mr. Danforth, of the Council, who, appearing before the House, upon a message of invitation, was requested to inquire "into the true standard of potash and communicate the same." On the 23d, a committee was appointed by the House, to confer forthwith with Mr. Danforth, and also with Maj. Wilder, Mr. Mascarene, Dr. Marshall and Dr. Smibert, upon the same subject. After reference to another joint committee, and after a full debate, and various amendments, the bill was finally passed in its present form.

Chap. 10. The act of parliament, known as the Stamp Act, which was passed Jan. 10, 1765, did not go into operation until the first day of November following. Throughout the British-American colonies the passage of this act, as is well known, created intense excitement, and developed a general and determined spirit of opposition. As soon as it was known that the secretary of this province, Andrew Oliver, had been appointed distributor of stamps, measures were concerted, in certain quarters, to prevent his exercising the functions of that office. Accordingly, on the 14th of August, the day on which the Council ordered the Stamp Act to be printed and distributed, the Secretary was publicly hanged in effigy; and in the evening a brick building, which he had erected, as was supposed, for the reception of the stamps, was demolished by a mob, and his house forcibly entered, the windows broken, and his furniture partly destroyed.

Mr. Oliver promptly announced his intention to decline the office of stamp-distributor, and, on the 21st, informed the Council that he had written to the Commissioners of Stamps, in London, that he should not be able to take the stamps into his custody, upon their arrival.

On the evening of the next day after the Secretary had expressed his intention to resign, the rioters again assembled, and began an attack—which they soon abandoned, under the belief that its occupant was not at home—upon the dwelling-house of Thomas Hutchinson, lieut.-governor, and chief justice of the Superior Court of Judicature, whose ready submission to each successive encroachment of the imperial government, and whose zealous hostility to the leaders and principles of the opposition, had caused or strengthened the impression that he was the responsible promoter of all the oppressive measures against which the popular party protested.

Emboldened by their success with the Secretary, whose resignation they celebrated, the next evening, by a bonfire and other demonstrations of gratitude, and still further encouraged by the apathy or timidity of the local magistrates and town-officers, the rioters once more assembled, on the evening of August 26, to make a demonstration against the incumbents of certain offices the objectionable functions of which had been created or enlarged by certain acts of parliament: and also against the Lieutenant-Governor. Accordingly, starting from their rendezvous around a bonfire in King Street, now State Street, where they were supplied with intoxicating liquors, and proceeding, first, in two bodies, they attacked the dwelling-houses of Benjamin Hallowell, comptroller of the customs,—who had received his appointment from the commissioners of customs in London,—and William Story, deputy registrar of the court of Vice Admiralty, a court the jurisdiction of which, without a jury, had been, it was generally felt, unconstitutionally enlarged. Considerable injury was done to the dwelling-houses, outbuildings and furniture of those officers, and still more damage to the papers and records in their custody. Uniting their forces, and inflamed by a free use of liquors from the well-stocked cellar of the Comptroller, they next proceeded to demolish the fine mansion of Lieut.-Governor Hutchinson. The contents of this house, which his large income, derived, in part, from the emoluments of several lucrative public offices, had enabled him to furnish with exceptional elegance, were scattered or destroyed, and

with them perished many unique MSS., and other valuable materials, then in his keeping, illustrative of our colonial and provincial history.

The following extracts show the course pursued by the provincial authorities to prevent the riots, and the progress of the measures taken to obtain, for the sufferers, indemnity from the province treasury:—

"Aug. 14, 1765. His Excellency having informed the Council that an Image was this day hung up, on a Tree in a public Street at the South end of Boston, that a great number of People were assembled together, & that the said Image was evidently intended to represent the Gentleman appointed the Stamp Officer for this Province; He therefore desired the Advice of the Council upon this occasion:

Advised, that His Excellency give orders to the Sheriff of the County of Suffolk, & to the several Peace Officers in the Town of Boston that they be vigilant in the execution of the Laws, and preserving the Public Peace on this occasion."—*Executive Records of the Council*, 1765–1774, *p.* 31.

"Aug. 15, 1765. His Excellency, having ordered the Council to meet on occasion of a Mob in the Town of Boston the last night, which had been guilty of great outrages, had pulled down a brick building newly erected by the Secretary of the Province, broke into his Dwelling House with violence, damaged and destroyed his furniture, having first broke the windows, pulled down the fences of his yard and garden, and committed other great enormities; desired the Advice of the Council what were the proper measures to be taken on this occasion:—

Advised that His Excellency issue a Proclamation requiring all Justices of Peace, and all Officers Civil and Military to use their utmost endeavours for the discovery apprehending and bringing to justice, any and each person concerned in the Outrages aforesaid, and promising a reward of One Hundred Pounds for the discovery and apprehending of any & each person so concerned, and over and above the reward aforesaid a pardon to every person concerned, who shall make discovery of any of his accomplices.

The Governor then asked if they would Advise him to appoint a Military Guard: the Council were of Opinion that some other method for preserving the Peace would be more adviseable.

The Governor asked what methods they would propose for preserving the Peace.

Advised that the Justices of the Peace in the Town of Boston and the Select Men of the said Town be notified forthwith to attend His Excellency in Council, and that it be recommended to them to cause the Act of this Province of the 11th of King William the Third intituled "An Act for keeping of Watches in Towns" to be effectually carried into Execution upon the present exigency.

1699–1700, chap. 10.

The Justices of Peace and Select Men aforesaid attended according to Order, & thereupon his Excellency earnestly recommended to them a vigilant care and endeavour in their respective stations, by their council advice and authority, to intend the preservation of peace and good order in the Town of Boston, and in a particular manner that they would cause the aforementioned Law effectually to be put in execution, so long as there should appear to be any danger of a revival of the like disorders."—*Ibid.*, *p.* 32.

"Aug. 27, 1765. His Honor the Lieutenant Governor acquainted the Governor in Council of the great damage he had sustained the night before by a number of riotous and tumultous people who had totally destroyed his house and all he had therein.

Advised and Ordered that John Erving, Thomas Hubbard, Thomas Flucker, Royall Tyler and Harrison Gray Esqrs be a Committee to confer with His Honor the Lieut Governor and the other Gentlemen of the Town who have suffered by the riotous proceedings of the last night and of the night of the 14th Instant and to appoint Carpenters, masons and other tradesmen to estimate the damage done to the Buildings in particular; the said Committee to appraise the damage upon the whole which either of the parties have sustained and make Report as soon as may be.

Advised that His Excellency send for Joseph Jackson Esqr Colonel of the Regiment of Militia in the Town of Boston and Leonard Jarvis Esqr Captain of the Company of Cadets to let them know that their assistance would be wanted to preserve the peace of the Town; the said Gentlemen accordingly attended and signified their readiness to obey orders.

Advised that His Excellency give orders to Col. Jackson to raise four Companies of his regiment, to consist of Three Hundred men at least to patrole the Town this night, well accoutred and armed, in order to preserve the Peace of the Town.—That His Excellency give orders to Col. Jarvis to raise his Company to watch also this night, and to incorporate into his said Company, for a term not exceeding three months, such gentlemen as shall be willing to put themselves under his command; & that His Excellency give orders to the said Gentlemen to furnish such Detachments from time to time as he shall think necessary.

His Excellency acquainted the Council, that Mr Hale, being apprehensive of an attack upon the Custom House, had desired a Guard for the protection of it this night.

Advised that His Excellency give orders to Colo Jarvis to guard the Custom House accordingly."—*Ibid.*, *p.* 37.

"Aug. 28, 1765. His Excellency having represented to the Council the extreme danger that may be apprehended from the late riotous proceedings in the Town of Boston, proposed to them the following question—Whether it is expedient to write by express or otherwise, to General Gage and Lord Colville,* acquainting them with what has happened.

The Board, after debating thereon, came to the following Resolution, viz:

That it appears to the Board that the measures taken for preserving the Peace of the Town the last night have had a good effect, that if there should not be a sufficient

* Commanders, respectively, of the British land and naval forces in America.

power within the Town to continue the peace of it, a force from the Country might be called in which would sufficiently answer that end. Therefore

Advised, that it is not expedient to write to General Gage or Lord Colville, as has been proposed by His Excellency."—*Ibid., p.* 39.

"Aug. 28, 1765. Advised that His Excellency issue a Proclamation for apprehending the persons concerned in the riot in the Town of Boston on the night of the 26th Instant, promising a reward of Three Hundred Pounds for detecting the Leader of the parties, and One Hundred Pounds for detecting other persons concerned in the said Riots, to be paid upon conviction."—*Ibid., p.* 40.

A proclamation, in accordance with the above order, appeared in the "Boston Gazette and Country Journal," of Sept. 2, 1765.

"I must recommend to you to do an Act of Justice, which at the same time will reflect Credit upon yourselves. I mean to order a compensation to be made to the sufferers by the late disturbances. Their losses are too great for them to sit down with; one of them amounts to a very large Sum. You must be sensible that it will be expected that these damages be made good; and it will be better for you to do it of your own accord before any requisition is made to you. An Estimate of these damages is made by a Committee of the Council pursuant to Order, which will be laid before you.

Gentlemen I am sensible of the difficulty of the part you have to Act it may not be sufficient for you to be convinced of the necessity of a submission to the Law for the present, unless the same Conviction shall be extended to the people in general. If this should be so I can only desire you to use all means to make yourselves well acquainted with the Exigencies of the present time; and if you shall be persuaded that a disobedience of the act is productive of much more evil than a submission to it can be; you must endeavour to convince your Constituents of the truth of such persuation. In such case I shall readily grant you a recess for a sufficient time, and I shall be ready to concur with you in all other legal Measures to provide for the safety of the people in the best manner. Fra Bernard."—*From the Governor's speech, Sept.* 25, 1765: *Council Records, vol. XXVI., p.* 75.

"Oct. 2, 1765. The Sheriff of the County of Suffolk being admitted into Council, acquainted His Excellency & the Board, that divers Prisoners had made their escape, three of whom had been committed on account of the late Riots, and prayed the directions of His Excellency in the affair.

Advised that His Excellency give directions to the Sheriff to cause the matter to be inquired into, and if there appeared reason to suppose that they were aided from any Persons without, that he cause depositions to be taken concerning it, and lay the affair before the Board tomorrow."—*Executive Records of the Council,* 1765–1774, *p.* 52.

"Oct. 3, 1765. The Sheriff of the County of Suffolk having laid before His Excellency & the Board sundry depositions respecting the escape of the Prisoners mentioned in the account he laid before the Board yesterday, His Excellency asked the Board whether they would Advise him to issue a Proclamation on this occasion.

The Board were of Opinion that it does not appear the Escape was effected by any armed force, but that the Prisoners were privately assisted by some of their friends without, and that they accomplished their purpose thro' the weakness of the Goal, and that it being the duty of the Sheriff in such cases to issue his advertisement for the recovery of such prisoners, it is not incumbent on the Government to issue any Proclamation on this occasion."—*Ibid., p.* 53.

"Oct. 24, 1765. Your Excellency is pleased to recommend a Compensation to be made to the Sufferers by the late disturbances—We highly disapprove of the Acts of Violence which have been committed yet 'till We are convinced that to comply with what your Excellency recommends, will not tend to encourage such Outrages in time to come, and 'till some good reason can be assigned why the losses those Gentlemen have sustained should be made good, rather than any damage which other persons on any different occasions might happen to suffer we are persuaded we shall not see our way clear to order such a compensation to be made. We are greatly at a loss to know who has any right to require this of us, if we should differ from your Excellency in point of its being an Act of justice rather than generosity, unless your Excellency supposes a Crime committed by a few Individuals chargeable upon a whole Community."—*Message from the House: Council Records, vol. XXVI., p.* 85.

"Oct. 29, 1765. On a motion made and seconded, Ordered that Mr Speaker, Colo Bourn, Mr Cushing Mr Foster of Plymouth and Mr Dexter with such as the Honble Board shall join be a Committee to supervise the Laws now in force respecting Riots and tumultuous assemblies, and report whether they judge anything further is necessary to be done to strengthen the Laws relating thereto.

In Council, Read and Concurred and William Brattle, Thos Hubbard, Harrison Gray & Royall Tyler Esqrs are joined in ye affair."—*Ibid., p.* 92.

"June 3, 1766. The Secretary went down to the House of Representatives with a verbal Message from his Excellency the Governor to acquaint them that his Excellency had received his Majestys Commands signified to him in a Letter from Mr Secretary Conway a Copy whereof is now preparing to be laid before the assembly and to desire that the House would not proceed upon any public business until he has any opportunity to communicate the same to them.

The Secretary afterwards went down to the House of Representatives with a Message from his Excellency the Governor, directing their attendance in the Council Chamber.

Mr Speaker and the House accordingly came up when his Excellency made the following Speech to the two Houses viz:

Gentlemen of the Council, and Gentlemen of the House of Representatives.

I have received a Letter from the Rt Honble Mr Secretary Conway inclosing two Acts of Parliament; the one for securing the dependency of the Colonies on the

Mother Country; and the other for the Repeal of the Stamp Act. At the same time he is pleased to signify what his Majesty and his Parliament expect from the Colonies in return for the Indulgences shewn to them. I am also ordered to recommend to You, that full and ample Compensation be made to the late Sufferers by the Madness of the people and for that purpose, I am directed to lay before You the Votes of the House of Commons, expressing their sense upon that subject; whose humanity and justice it is hoped it will be your Glory to imitate. The whole of this Letter is conceived in such strong, patriotic and conclusive terms, that I shall not weaken it by a representation of my own, other than this short Capitulation necessary to introduce what I have to say on the subject."—*Ibid.*, *p.* 210.

The letter of Secretary Conway, referred to by the Governor, bears date March 31, 1766; and the following is the recommendation to which the attention of the Assembly was called:—

"Nothing will tend more effectually to every conciliating purpose, and there is nothing therefore I have in command more earnestly to require of you, than that you should exert yourself in recommending it strongly to the assembly, that full and ample Compensation be made to those who, from the madness of the people, have suffered for their deference to acts of the British Legislature; and you will be particularly attentive, that such persons be effectually secured from any further Insult, and that as far as in you lies, you will take Care, by your Example and Influence that they may be treated with that respect to their persons, and that Justice in regard to all their pretensions which their merits and sufferings undoubtedly claim.

The Resolutions of the House of Commons, which, by his Majesty's Commands, I transmit to You, to be laid before the Assembly, will shew You the sense of that House on those points and I am persuaded it will, as it most certainly ought be the Glory of that Assembly to adopt and imitate those sentiments of the British Parliament, founded on the clearest principles of Humanity and Justice."—*Mass. Archives*, *vol.* 56, *p.* 473.

"Gentlemen of the House of Representatives.

The Requisition contained in this Letter is of a most singular nature, and the only one of the kind that I have known since I have served his Majesty in America. It is founded upon a Resolution of the House of Commons, formed after a full consideration of the matter, and represented to his Majesty by the Address of that House. The Justice and humanity of this Requisition is so forcible that it cannot be controverted; the Authority with which it is introduced should preclude all disputation about complying with it. I hope therefore You will add to the merit of your compliance by the readiness of it, and assume to yourselves the honor which now offers itself of setting the first example of Gratitude and dutiful Affection to the King and Parliament by giving those proofs of it which are now pointed out to You. I must observe that it is from the Provincial Assembly that the King & Parliament expect this Compensation should be made to the Sufferers without referring them to any other persons whatsoever. Who ought finally to be charged with this Expence may be a proper consideration for you; and I shall readily concur with you in your Resolutions thereon, after the Sufferers have been fully satisfied."—*Governor's speech*, *ut supra: p.* 212.

"We thank your Excellency for your kind assurances of 'using all Means to save the Credit of this Province.' But We conceive that when the true state of the Province is represented & known its Credit can be in no kind of danger. The recommendation enjoined by M^r^ Secretary Conway's Letter, and in consequence thereof made to Us, we shall embrace the first convenient opportunity to consider and act upon. In the mean time cannot but observe, that it is conceived in much higher & stronger terms in the Speech, than in the Letter. Whether in thus exceeding your Excellency speaks by your own Authority or a higher is not with us to determine.

. However if this Recommendation, which your Excellency terms a requisition be founded on 'so much Justice & humanity that it cannot be controverted:' 'If the Authority with which it is introduced should preclude all disputation about complying with it,' We should be glad to know what freedom we have in the Case."—*Message from the House to the Governor*, *June* 6, 1766: *Ibid.*, *p.* 232.

"June 17, 1766. The Secretary went down to the House of Representatives with a Message from his Excellency the Governor accompanying an Estimate of the damages sustained by the Lieu^t^ Governor and Others in the Riots at Boston in August last referred to in his Excellency's Speech of 25^th^ Septem^r^ last, acquainting the House that the same had lyen in the Secretarys Office open to the perusal of the Court ever since the return was made in October last; and is now laid before the Hon^ble^ House as his Excellency has had occasion to mention this matter again in a Speech delivered this present Session."—*Ibid.*, *p.* 258.

"June 25, 1766. M^r^ Dexter and others from the House of Representatives waited on the Governor with the following Message viz^t^— May it please your Excellency.

The House of Representatives have duly attended to that part of your Excellencys Speech which had reference to a full and ample Compensation to be made to the Sufferers in the late disturbances. We are sensibly affected with the loss they have sustained and have the greatest abhorrence of the Madness & Barbarity of those Persons who were the Instruments of their sufferings; Nothing shall be omitted by us in our department to bring the perpetrators of so horrid a Fact to exemplary Justice, and if it be in their power to a pecuniary Restitution of all damages. But may it please your Excellency as a compliance with your Excellency's recommendation to the Provincial Assembly to make up their losses, appears to this House not as an Act of Justice but rather of Generosity; they are in doubt whether they have any authority to make their Constituents chargeable with it, without

their express Consent. The House therefore beg leave to acquaint your Excellency that they have thought it their duty to refer the Consideration of this matter to the next sitting of the General Court, that the Members may have the opportunity of taking the minds and Instruction of their several Towns thereupon."—*Ibid.*, *p.* 286.

"June 25, 1766. A Petition of Benj[a] Hallowell Esq[r]—Setting forth That on the 26[th] of August last, his House was violently entered by a considerable number of persons unknown, and among other things then carried off by them, was a Receipt or Promissory Note signed by the Treasurer of this Province, dated 7[th] August 1764 for the Sum of £1350 payable to the Petitioner in June 1766, on which is endorsed one years interest and no more. And praying that the said Sum with the Interest that may be due thereon may be paid him out of the Province Treasury.

In the House of Representatives. Resolved That the Prayer of the Petition be granted: and that the Treasurer be and he hereby is directed to pay to the Petitioner Benj[a] Hallowell jun[r] Esq[r] the Sum of Thirteen hundred and fifty pounds with the Interest due thereon to this day in full for the note within mentioned: he first giving sufficient caution to the Treasurer of this Province to save harmless the said Province from being obliged to pay the same Sum and the Interest due thereon to any person or persons hereafter. In Council, Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 288.

"June 27, 1766. The Secretary went down to the House of Representatives with the following Message from his Excellency the Govern[r] viz[t] Gentlemen of the House of Representatives. As your Reasons for not complying at present with what has been recommended to You by order of the King with the Advice of his Parliament, on the behalf of the Sufferers in the late disturbances will probably be canvassed with great precision; it will be proper that the intendment of them should be as certain as may be. I should therefore be glad to know, whether I must understand from your Message of yesterday, that it is your opinion that a detection of the perpetrators of the late Mischiefs is necessary to intitle the Sufferers to a compensation for their losses. It appears to be the gracious intention of the King and Parliament, that a Veil should be cast over the late disturbances provided it be covered by a general and uniform dutiful behaviour for the future. But it is certainly no less their firm and resolute purpose that the Sufferers by these disturbances shall have a full and ample indemnification made to them: and this business has been committed to You upon principles of humanity and justice, rather than of mere generosity.

If you think that an inquiry into the promotion and perpetration of the late disorders is a necessary Prelimenary to determine from whence the charge of the compensation shall finally come, and shall pronounce for the expediency of such an enquiry, you will certainly be assisted by the Governor and Council in the prosecution of it. And I dare say it will be no difficult work to trace this matter to the bottom.

But in the mean time I fear the King and Parliament will think their intimations disregarded by your proposing an enquiry now, after it has been neglected for nine Months past; during all which time the House have had this very business of indemnification under their consideration. They expect from You that the sufferers shall be indemnified at all Events, whether the offenders are discovered or not, or whether they are able to pay the damages or not; and seem to be more intent upon indemnification than upon Punishment.

I therefore wish for the sake of the Province whose Interests, and especially those of its Trade are now in a very nice balance, & for the sake of this Town whose respectable Inhabitants have already suffered much in the Opinion of the World, for having been tame Spectators of the violences committed in it, that you would remove this disgrace without the least delay, by ordering the Indemnification immediately to be made upon the Credit of those whom You shall hereafter judge to be chargeable with it. When this is done, there can be no Objection to your postponing the consideration, on whom this money ought ultimately to be laid, to what time You please: and there is no doubt but that any enquiry which You shall think fit to make for this purpose will be as efficacious as you can desire.

Fra. Bernard."—*Ibid.*, *p.* 295.

"June 28, 1766. M[r] Hancock and Others, a Committee of the House of Representatives waited on his Excellency the Governor with the following Message viz[t]—May it please your Excellency.

This House have duly attended to your Excellencys Message of the 27[th] Instant—We are fully sensible of the Goodness of the King and Parliament, and agree with your Excellency that it appears to be their gracious Intention that a Veil should be drawn over the late disturbances. And we hope our behaviour will always be such, as to merit their approbation.

Sir, The House are ever attentive to the application of persons of every Rank, whose Case justly claims their Consideration: But as the Sufferers, whom we apprehend your Excellency refers to, have never applied to this House, as we conceive, in a Parliamentary way for Relief; We are humbly of opinion, that we have done all at present, that our most gracious Sovereign and his Parliament can reasonably expect from Us. But to shew our regard to everything recommended by the King and Parliament, we have appointed a Committee to sit in the Recess of the Court, to make a thorough inquiry into the Riots committed in the month of August last, and discover the persons concerned therein as far as may be. For the effectuating which business, we doubt not, but we shall be aided by your Excellency and his Majesty's Council.

And further, We would acquaint your Excellency, that the House have passed a Resolve to take the Report of this Committee under consideration at the beginning

of the next Sessions of this Court, and act thereon what shall appear to them to be just and reasonable.

Your Excellency is pleased to enforce the immediate Compliance of the House with this requisition by an argument drawn from a regard to the Town of Boston, the reputation of whose Inhabitants your Excellency says has already suffered much for having been tame spectators of the Violences committed, and that this disgrace would be removed thereby. We see no reason why the reputation of that Town should suffer in the opinion of any one from all the evidence that has fallen under the Observation of the House; nor does it appear to us how a compliance would remove such disgrace, if that Town had been so unhappy as to have fallen under it."—*Ibid.*, 301.

"June 28, 1766. Upon a Motion made and seconded, *Ordered*, That Capt. *Thayer*, Col. *Brown*, Major *Johnson*, Capt. *Taylor* of *Southborough*, and Capt. *Fuller*, be a Committee to sit in the Recess of the Court, to make a thorough Enquiry into the Riots committed in the Month of *August* last, and discover the Persons concerned therein as far as may be, with full Power to send for Persons and Papers; the said Committee to ascertain as far as they shall be able, the Losses of the Sufferers: And that the Matter of their Enquiry be kept a Secret till they shall make Report to this House.

Resolved, That this House will at the beginning of the next Session of the General Court take the Report of the Committee appointed to inquire into the Disturbances in the Town of *Boston*, and to ascertain the Losses sustained thereby, and will act thereon as shall appear to be just and reasonable."—*House Journals*, *p.* 142.

"London August 6th 1766.

Sir Since my last I Recd a few Lines from Lord Dartmouth in which he says 'I am Sorry to hear that the Assembly of Boston has *refused* to make the Indemnification, *recommended* by Parliament.' New York has Complied—had you been here to be fully apprised of the long Debate in the House your Friends Supported to obtain the word *Recommend* as a Term intirely Consistent wth your Liberty, it must have left a gratefull Impression on your mind, which your Adress Presented to his Majesty by the Duke of Richmond—is so full of, both to King, and Parliament, that I can hardly believe you should come to such a Resolution. If the Report be a Slander on the Province I shall be glad if you will put it in my Power to refute it, as I am ambitious your assembly who I have the Honour to be employed by, should Stand high in the Esteem of the King, Ministry, and Parliament, as well as in the Esteem of all the real Friends of america, which such a Refusal will abate. Sir Your Faithfull and obedt Srt

DENNYS DEBERDT."—*Mass. Archives*, *vol.* 56, *p.* 487.

"He [Earl of Shelburne] desired you would finish the affairs of the damages sustained, because it gave occasion to your & the enemys of the administration to upbraid them for the gentle measures they adopted on the other hand he had also wrote to every Govenour on the Continent to behave with moderation & Temper to the several Provinces over which they precide, & he had wrote to your Govenour in particular to persue healing measures, & was so condesending to offer shewing me a Copy of his letter, the next time I waited on him & added that whatever new Govenours were made for the future, he would take care to send such men as should Act upon the most generous principals & thereby secure the affection of the People."—*Extract from letter of Agent DeBerdt, Sept.* 19, 1766: *ibid.*, *p.* 515.

"Gentlemen of the Council and Gentlemen of the House of Representatives.

I have thought proper to call you together, that You may have an opportunity to give a positive Answer to what I recommended to You, by order of his Majesty, last Session; as it will be expected of me that it be reported to his Majesty before the opening of the business of the next Year: And I heartily wish that it may be such as will answer the Expectations and Desires of your Friends in Great Britain For my own part, I shall upon this occasion, as upon all others make the best use of the means You shall put in my hands to promote the Honour and Reputation of the Province.

As You are called together for this business only, when it is finished, I shall have no Objection to your returning home until the usual time of opening the Winter Session.

FRAS BERNARD."—*Speech, of Oct.* 29, 1766: *Council Records, vol. XXVI.*, *p.* 304.

"Oct. 30, 1766. The Committee appointed the last Session of this Court to make Enquiry into the Riots committed in the Month of August 1765 Reported, That on the 9th of July they met and waited on his Excellency to receive that Assistance which he was pleas'd to propose to this House, in a Message communicated to them at their last Session; to which his Excellency replied, That the proposal in the Message referred to, was made on the presumption that the Council would concur with him; That he was ready to afford your Committee what Light he could, if the Council would then comply, and that he would Summon them for that Purpose; that on 27th of August your Committee, being met, received a Message from his Excellency by the Deputy Secretary acquainting them, that the Governor and Council were ready to receive the proposals of your Committee: To which your Committee replied, That they were not full, their Chairman being absent. That the above Message was soon repeated: To which your Committee replied, That they had nothing to propose to his Excellency and their Honors but were ready to receive from them any Information respecting the late Riots which they should be pleased to communicate. That the Governor and Council then adjourned without Day. That your Committee then sent for the Worshipful Richard Dana, John Hill, and

Belcher Noyes, Esq'rs; from whom they received the Examinations of sundry Persons apprehended by them, on Account of the Riots committed in the Town of Boston, on the Evening of the 26th of August, Copys whereof accompany this Report. That your Committee were informed by the Justices abovenamed, That the Governor and Council directed them to make no Enquiry of what passed on the 14th of August. That your Committee then sent for and examined sundry reputable Persons, Inhabitants of the Town of Boston, Neighbours of his Honor the Lieut Governor, who declared, That they were in his House in the Evening of the 26th of August, endeavouring to suppress the Riot, and prevent any Mischief; but that they knew none of the Rioters, many of whom from their Habits appeared to be disguised, who were the most active in the Disorders.

Your Committee beg leave further to Report, That they have inquired into the Losses sustained by the Sufferers, accounts whereof accompany this Report."—*House Journal*, *p.* 153.

"Oct. 30, 1766. A Petition of his Honor Thomas Hutchinson, Esq; setting forth the great Damage he sustained by the violent and outrageous Proceedings of a great Number of Persons unknown on the Evening of the 26th of August, 1765, who with all the Rage and Fury imaginable, suddenly with Axes and Clubs, and other Instruments, burst or broke open the Windows of his Dwelling-House, dispersed thro' every part of the House, distroyed the Furniture, carried away the Wearing Apparel, Books, Papers, Money and Effects of every sort belonging to him and his Family, (a small Part of the Kitchen Furniture only excepted) and continued from between Eight and Nine o'Clock in the Evening, until after Four o'Clock the next Morning, ruining the House, Outhouses, Fences, Gardens, &c. and threatning Destruction to all those who should oppose or interrupt them. The Petitioner prays this Court that a Compensation may be made him for his great Losses and sufferings aforesaid.

And he further represents that exclusive of that Pain and Distress of Mind which he is unable to describe, arising from this most injurious and barbarous Treatment, he has been deprived above 14 Months of the Use of this great Part of his Substance and he and his Family have been subjected to many Inconveniencies, Difficulties, and extraordinary Charges; he therefore hopes and prays for a favorable Consideration of his Case, in all its Circumstances.

A Petition of Benjamin Hallowell, jun. Esq; shewing That on the 26th of August 1765, a great Number of Persons unknown to him, and by him unprovoked, in a tumultous Manner assembled, did with Force and Violence, beset the Dwelling House of the Petitioner, enter'd and injur'd the same, to a great Degree, broke and destroyed great Part of his Furniture, and carried off his Linen, Money and Papers; tore his Fences down and wasted his Liquors. The Petitioner prays that a Compensation may be made to him, in such Way and Manner as this Court shall think fit.

A Petition of William Story, Esq; shewing That in the Year 1765, and for a number of Years before, he was Deputy Register of the Court of Vice Admiralty for this Province: That by the late Stamp Act the Trial of many or most of the Breaches of said Act were committed to the same Court of Admiralty, which as well as the Act itself, diffused a general Uneasiness in Persons of almost every Rank, they being thereby deprived of the invaluable Priviledge of Trial by Juries: And some ill-minded Persons intending to destroy the Substance of their Fellow Subjects, took Occasion from the general Uneasiness, on the 26th of August 1765, in the Night, armed with Clubs, Staves and other Weapons of Violence, with Force & Arms to attack and break open the Dwelling House of the Petitioner, destroying almost every Glass Window in the front Part of his House, and the Windows and Doors of his Office, tho' the same were well lock'd or bolted; making a thorowfare from the Street thro' his Office, into the other Part of his Dwelling; destroying and damaging a great Part of his Household Furniture, and carrying out of his Office all the Files and Records of the said Court of Admiralty; all his private Papers, Books and every Thing that was in his Office, most of which were consumed to Ashes or otherwise destroyed and lost. That he is well satisfied the generality of the Inhabitants of Boston were not privy to the Disorders of that Night, and would have prevented the same had they expected any such thing.

The Petitioner humbly submits this Matter to the Wisdom of this Court, and prays that they would be pleased to make him a Grant of such a Sum of Money for repairing his Losses aforesaid, as in their great Goodness they shall think fit.

On a Motion made and seconded, Ordered, That the further Consideration of the Petition of his Honor Thomas Hutchinson, Esq; the Petition of Benjamin Hallowell, jun. Esq; and the Petition of William Story, Esq; be referred till To-Morrow Morning Ten o'Clock."—*I bid.*, *p.* 155.

"The following Articles, taken among the rest from the Lieutenant Governor's House, the 26th Instant if offered to Sale, in this or any other Government, it is desired they may be stopped, or if seen in any Persons Possession, that Notice may be given to either of the Lieutenant-Governor's Sons, at their Warehouses on the Dock.

A Silver Hilt of a Sword which had been wash'd with Gold, the Blade is found; two mourning Swords; a chased Gold Head of a Cane, with the Lieut. Governor's Crest; a Lady's chased Gold Watch, Hook & Chain; a new fashion'd Gold Chain and Hook for a Lady's Watch; a Set of large Silver Plate Buttons for Coat and Breeches; 2 Sets ditto covered with Silver Wire, and very uncommon; several Funeral Rings, particularly one the late Tho. Lechmere Esq; another the late Tho. Hancock Esq; Several ancient Coins; a Pair of Ruby Earings set in Gold, and Necklace; Garnet Earings and Necklaces in Gold; Paist Earings and Necklaces; Stone Girdle Buckles; 2 Pair Stone Shoe Buckles; 2 Pair Stone Sleeve Buttons set

in Gold: rich embroidered christening Blankets, Sleeves, Cradle Quilt and Curtain; and a Set of Child-bed Linen; Gause Handkerchief & Sattin Apron, both flowered with Gold; Silk Shoes; brocaded Silk, Padusy, Damask Lutstring Gowns & Petticoats; laced Petticoats; Head-Cloaths & other Linen; Bundles of old Gold and Silver Lace; Bundles of Bone Lace; Silver Spoons; Silver Handle Knives and Forks; Sweetmeat Knives, Forks & Spoons gilt, and other Articles of Plate; a large Octavo Bible richly Bound, and in an outside Turkey Leather Case, a Direction in one of the defensive Leaves signed by Thomas Coram Esq;

And Whereas a Manuscript History of the Massachusetts Province, from the Year 1692 to the Year 1750, was among the Spoil, and Part thereof has been found; if any of the remaining Sheets should be discovered, it is desired they may be sent, as also any other of the Lieutenant Governor's Papers or Books, to the Reverend Mr. Eliot.

August 31. 1765."—*Massachusetts Gazette, Sept.* 5, 1765.

"Nov. 2, 1766. A Bill intitled, An Act for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity and Oblivion to the Offenders in the late Times, was considered and Debated according to Order: And it was moved that a Clause be inserted therein to oblige every Town for the future, where any Riots shall happen and Damage ensue, to make Compensation for the same: And the Question being put, it pass'd in the Negative, 27 Yeas, 45 Nays.

Ordered, That the Printers be directed to publish a sufficient number of Copies of this Bill; and also Mr. Agent De Berdt's two Letters of 6th of August, and 19th of September, and deliver the same to the Members for the Consideration of their several Towns."—*House Journal, p.* 182.

"Nov. 12, 1766. Mr Otis from the House of Representatives came up to the Board with a Message to acquaint them that the House had preparred a Bill for making compensation to the Sufferers and indemnifying the Offenders in the late times of confusion said Bill to be struck of by the Printers and a Copy to be delivered to each of their Members to be carried to their several Towns in order to consult their Constituents on the same. And further to acquaint the Board that as the House could not with Propriety send up this draft for concurrence, they had directed the Printers to present a Copy of the said Bill to his Excellency the Governor, and one to each Member of the Board.

Mr Otis from the House came up to the Board with a Message to acquaint them that the House had passed on all matters before them and to desire that the Board would do the same that the Court may have a recess as soon as his Excellency pleases."—*Council Records, vol. XXVI., p.* 325.

"May it Please your Excellency

Your Speech to both Houses at the opening of the present Session has been repeatedly under the most deliberate consideration of the House of Representatives.—It was indeed Sir, with great reluctance, that the House found themselves under the necessity of having recourse to your former Speech and Message upon this Occasion; but as you are pleased to refer us to them without saying any thing to qualify them; the House cannot help observing, that the manner in which your Excellency has repeatedly proposed a Compensation to the Sufferers, has been derogatory to the Honour of the House and in breach of the priviledges thereof: That the terms you have made use of, have been essentially different from those dictated to you by his Majestys express command, signifyed in a Letter from his Secretary of State: That they tended to weaken the inherent, uncontroulable Right of the People, to dispose of their own money to such purposes as they shall judge expedient and no other: and that under these apprehensions, it is not improbable, some of the Towns may have framed their Instructions to their Representatives against a Compensation out of the Public Treasury.

The House however with the most dutiful and profound respect, have attended to his Majesty's most gracious and mild recommendation; and observe that it is his pious and benevolent Intention, that not only a Compensation should be made to the Sufferers in the late times; but also that a veil be drawn over every disgraceful Scene, and to forgive and even to forget the undutiful behaviour of any of his Subjects in those unhappy times— Confirmed in the opinion, that an indemnifycation of the Offenders is of equal importance and necessity with the making compensation to the Sufferers, and being ever ready with the utmost chearfullness, to unite their endeavours in promoting the wise and gracious purposes of their rightful Sovereign; in conformity to the Spirit of Mr Secretary Conway's Letter, the House have framed a Bill intituled 'An Act for granting Compensation to to the Sufferers, and of free and general Pardon, indemnity and Oblivion to the offenders in the late times.'

This Bill they have ordered to be published for the consideration of the several Towns, and humbly pray that your Excellency would please to give them a Recess for that purpose."—*Message from the House, Nov.* 12, 1766: *ibid., p.* 328.

"Nov. 13, 1766. His Excellency then made the following Speech to the House of Representatives viz^{t} Gentlemen of the House of Representatives.

In the Letter of the Earl of Shelburne which I laid before you, you have a second Testimony from another of his Majesty's Secretaries of State, of the tenderness and affection towards the People under my Government with which I have conducted myself during the late disputes, and therefore I shall make no other Answer to the ungenerous Insinuations in your Message of yesterday, than by referring to your own Journals, from whence it will evidently appear that it is from among yourselves and not from me, that the difficulties which have prevented your making Compensation to the Sufferers have arose.

I am very sorry that you have not already complied with what has been recommended to you: but it is some satisfaction to me, that you have laid a foundation for compleating this business, which I hope will not fail of Success. The importance of the Affair and the hasty Approach of the New Year. will not allow the

Loss of a day which can be saved; and therefore I shall make the Recess which you desire as short as possible: And that you may do the business with as much credit to yourselves as may be, I shall continue the Session until you can come to a final determination. Fra Bernard."—*Ibid., p.* 331.

"My Lord, By my letter dated July 19th I informed Your Lordship that if there should be any opening for me to expect that the House would act in the business of the Compensation in a different manner from what they had done I should not fail to avail myself of it. I am therefore now to inform your Lordship of the second Trial I have made to get this business done, with the event of it. And in order to explain these proceedings more fully, I must beg leave to delineate to Your Lordship, the real difficulties which have prevented this Business being done, as they appear very little in the Journals of the House and pains have been taken that they should not appear; altho' they are notorious to every person in the Province, who thinks upon the subject.

The riotous proceedings at Boston were generally abhorred by the best Men in the Province, and by much the greater part of the common people, And therefore when a Compensation to the Sufferers was first talked of, it was the general opinion that it ought to be made, but that it was due from the Town of Boston only, and not from the Province in general. This opinion was very prevalent, when Mr Secry Conway's letter, dated March 31st arrived here on the last day of May and this was the reason why the Members for Boston, contrary to the real intrest of the Town determined to oppose the making a Compensation, even out of the Treasury: in which way, if they had at that time with their Party joined the Friends of Government, it might have been done. But they were apprehensive that if the Mony was ordered to be paid out of the Treasury, it would be then moved, that it should be charged upon the Town of Boston; which, as the Tax bill was to be past at that time, might have been done with the dash of a pen. They therefore, resolving to oppose the granting the Compensation that Session, turned the whole business into evasions and subterfuges to give pretended reasons for their not complying and to conceal the true one. The reasons given were first, That it was a business of too much importance to transact without consulting their Constituents; 2nd That the Sufferers had not applied to them in a Parliamentary way that is by petitioning the House.

It was not long before they received repeated advices, that the general opinion in England was that the Honor of Parliament was to see this Compensation made and they would certainly take it up where the Provincial Assembly refused it. And it was very obvious that the Parliament might enforce the payment of a sum of mony from a seaport Town or from a maritime Province, without infringing any rule of rights laid down by the most sanguine advocate for the Colonies, or even claimed by themselves in form. The People of Boston therefore began to be uneasy that the Mony was not paid, a Town Meeting was called and Instructions given to their Members to use their utmost endeavours to get the Mony paid out of the Treasury. This was a signal for me to call the Assembly, which I had kept prorogued by short intervals in order to take hold of the first fair opportunity that offered: And I accordingly gave notice that the Assembly would meet, at the time it was then prorogued to.

In the mean time, one of the Pretences which had been made use of last Session to excuse the granting the Compensation had an effect contrary to what was expected or at least, not foreseen. As the necessity of consulting their Constituents had been made the pretence for postponing the business, the Members in general found themselves obliged actually to consult their Constituents in form which they would not have done otherwise. This produced a number of Instructions against paying the Mony out of the Treasury that many Members staid away to avoid appearing against Government, and others were obliged to come fettered with Instructions to act against it. Among these People the general reasoning was, that as it was notorious that the disturbances arose entirely within the Town of Boston, It was not only unjust that the whole Province should be charged with the damages done by them, but if they were to consent to the payment out of the Treasury, they should thereby acknowledge themselves to be partakers of proceedings, of which they had always expressed their detestation and abhorrence. This was urged particularly at the Meeting at Salem, the second Town in the Province and always noted for its attachment to Government, which however its Members were not allowed to support upon this occasion only.

Upon the Meeting of the Assembly I determined to say nothing that could possibly be perverted and in general to avoid interfering with the House in any manner. I accordingly made the Speech I herewith inclose in full confidence that it could not receive a rude answer. I was soon informed that a majority of the House had instructions against granting the Compensation out of the Treasury, the only method that could be proposed with any prospect of success.

The Grant was strongly urged by the Members for Boston, in which they were supported by some of the ablest friends of Government and opposed by only one man of ability who in that instance seemed to be infatuated. The Argument was entirely on the side of the Compensation and was much assisted by the examination of some Gentlemen from England to show the assurances which had been given by the friends of the Colonies that this Compensation would be cheerfully made and the almost certain probability that the Parliament would not acquiesce in the refusal of it. But the dead weight of the Instructions could not be got over altho' there was a general conviction throughout the House that the Compensation ought to be made. I must again repeat that the Boston Members exerted themselves for the Question in this Session, as much as they did against it in the last, but they

were defeated by their former Machinations, otherwise I believe it would have been carried without a division.

After a litigation of a fortnight, in which the Question was put in different forms two or three several times and lost by no great majority, this expedient was hit upon: that they should bring in a bill for compensating the sufferers, in which the sums should be ascertained (the misreport of which was supposed to have hurt the cause) and also for indemnifying the Rioters. And that *the Bill* should be printed for the consideration of the Constituents and the Governor should be desired to grant a recess for that purpose. This past with little or no opposition and a bill was accordingly brought in and printed and a Message was sent to me accordingly. Two hours after I received Your Lordship's letter: I immediately communicated it to both Houses and gave the House of Representatives time to consider of it, which was only spent in fruitless altercations, without any attempt to resume the business. I therefore adjourned the General Court for three weeks, being the earliest day I could appoint. I inclose Copies of the Message to me and my Speech upon the Adjournment.

After the Adjournment had passed and before I had left the Chair, It was observed in the Council that the House had not ordered Your Lordship's letter to be printed as it is usual to do in cases where such publication is like to facilitate the business recommended. It was therefore moved that the Governor be desired to order the letter to be printed, as it would very much tend to conciliate the minds of the people to the Compensation and to remove the ill humour prevailing among them. This having the unanimous voice of the Council, I assented to, being fully of the same opinion. I must beg Your Lordship will let the occasion apologize for my taking this liberty, if there should be an impropriety in it, which at present I don't see as these kind of publications are not uncommon in this Government.

I must beg Your Lordship's indulgence in adding a few words upon an incident in the forementioned Transactions, I mean the Reflexion cast upon me in the Message of the House. Nothing can show the spirit of these factious Leaders better than this does, when not being able to find any cause for a Contest with me in the present Session and yet finding it necessary to keep up a contention so essential to their own importance, they go back to a passage at the beginning of the former Session, which was then sufficiently animadverted upon, and since has been hackneyed in the Newspapers, for a fresh cause of quarrel with the Governor. At the same time I believe there was not a Man in the House who really thought that any thing I had done or said had contributed to influence a single Vote against the Question, whereas many of them knew of the Pains I had taken for it. The Town of Boston (I mean the Political Leaders of it which are but a small part of the gentry) have no pretence to my partial services and yet I have been a constant advocate for granting the mony out of the Treasury and thereby indemnifying the Town. Indeed I must own that in so doing I have acted more upon Principles of Policy than rules of Justice.

However, my Lord, if I have in any instance, let my Spirit get the better of my Prudence, I beg that one distinction, which Your Lordship upon a precise enquiry will know to be founded in truth, may be admitted, that I have not exerted myself upon self considerations. I have borne a torrent of obloquy and abuse with the temper of a Stoick and I have not done an Act of Resentment upon account of personal injury in any one instance that I can recollect. But, My Lord, having been educated in the frequent contemplation of the British Constitution I have contracted such a reverence for the Imperial State, that I may perhaps have expressed a respect for it, unsuitable to the present unhappy state of this Country. But I have at all times had in view to heal the distractions of the Country & compose its Divisions and I have never knowingly departed from that purpose.

The importance of the subject & something due to my own defence have extended this letter to a considerable length, but I hope my next on this subject will be shorter & that there will be no occasion to say any more than that the Compensation is made, As I have great expectation that the Method taken to reconcile the Country People to it will succeed."—*Gov. Bernard to Earl of Shelburne, Nov.* 14, 1766: "*Mass. Bay, B. T.*," *vol.* 79, *M. m.*, 55, *in Public-Record Office.*

"Dec. 5. 1766. Ordered, That Major Hawley, Mr. Otis, and Mr. Adams, be a Committee to prepare a Resolve, setting forth the Motives which induced this House to pass the Bill for granting Compensation, &c. Who Reported thereon as follows.

Resolved, That this House in passing the Bill for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity and Oblivion, to the Offenders in the late Times, were influenced by a loyal and grateful Regard to His Majesty's most mild and gracious Recommendation; by a Deference to the Opinion of the illustrious Patrons of the Colonies in Great-Britain; and for the sake of internal Peace and Order: Without Regard to any Interpretation of his Majesty's Recommendation into a Requisition, precluding all Debate and Controversy; and under a full Perswasion that the Sufferers had no just Claim or Demand on the Province. And that this Compliance ought not hereafter to be drawn into a Precedent.

After which the House pass'd the two following Resolutions, Viz.

I. Resolved, That it was the indespensible Duty of the Sufferers to have applied to the Government here, rather than to the Government at Home; and that the neglect of any of them to petition to this Assembly till October last, while they were complaining at Home, is very reprehensible.

II. Whereas it appears to this House by the Resolutions of the Honorable the House of Commons of Great Britain, that it was their Opinion that the Resolutions of diverse Assemblies in America, had a Tendency to encourage the Riots that happened there. Resolved, That this cannot be said of the Resolutions of the

House of Representatives of this Province, as the said Riots happened about two Months before any such Resolutions were made.

Then the Committee appointed for the purpose carried the Bill up to the Honorable Board, and return'd."—*House Journal, p.* 210.

"Dec. 9, 1766. The Secretary went down to the House of Representatives with a Message from his Excellency the Governor directing their attendance in the Council Chamber.

M^r^ Speaker and the House attended in the Council Chamber accordingly, when the Secretary by direction of the Governor informed the two Houses, that his Excellency had Signed his Consent to an engrossed Bill intituled 'An Act for granting compensation to the Sufferers, and of free and General Pardon Indemnity and Oblivion to the Offenders in the late times:'

His Excellency then made the following Speech viz^t^—

Gentlemen of the Council and Gentlemen of the House of Representatives. As the Business for which you were assembled is now happily finished, I am unwilling to detain You here any longer. I have therefore postponed some business which I should otherwise have laid before you unto the next Session. And to the same time I have referred your Vote concerning the Agent which was laid before me last Night; at which time I shall take it into consideration without delay.

Fra Bernard."—*Council Records, vol. XXVI., p.* 342.

"Dec. 10, 1766. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble^ Thomas Hutchinson Esq^r^ the sum of Three Thousand one hundred and ninety four Pounds seventeen shillings and six pence, granted by an Act of the General Court in their last Session, in full compensation for the losses and sufferings that he and the several persons in his family sustained in the late times of confusion.

Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble^ Andrew Oliver Esq^r^ the sum of One Hundred and Seventy two Pounds four shillings, granted him by an Act of the General Court in their last Session, in full compensation for the losses and sufferings that he sustained in the late times of confusion.

Advised and Consented that a Warrant be made out to the Treasurer to pay unto Benjamin Hallowell Jun^r^ Esq^r^ the sum of Three Hundred & eighty five pounds six shillings and ten pence, granted him by an Act of the General Court in their last Session, in full compensation for the losses and sufferings that he sustained in the late times of confusion.

Advised and Consented that a Warrant be made out to the Treasurer to pay unto William Story Esq^r^ the sum of Sixty seven Pounds eight shillings and ten pence, granted him by an Act of the General Court in their last Session, in full compensation for the losses and sufferings that he sustained in the late times of confusion."—*Executive Records of the Council, 1765-1774, p.* 178.

"Mar. 17, 1767. The Committee appointed to sit in the recess of the Court to enquire into the Riots committed in the month of August 1765 presented their account of time and travel in attending on that business. Whereupon the following Order passed viz^t^—

In the House of Representatives. Resolved that there be allowed and paid out of the public Treasury to the several persons within mentioned the several Sums set against their Names, amounting in the whole to the Sum of twelve pounds, six shillings and six pence in full discharge of the within account.

In Council, Read and Concurred. Consented to by the Governor."—*Council Records, vol. XXVI., p.* 473.

"Upon the meeting of the new Assembly on May 28, it was very apparent that the Government party must be the Minority. Nineteen of the proscribed members had been left out, among which were some of the most able men in the House and most respectable for their knowledge and prudence The House was uncommonly filled with men of confined and narrow ideas unacquainted with and unfit for public business. It was known that Otis's faction intended to push the Government by all practicable means and also that they intended to oppose the making a compensation to the sufferers, for which purpose the great intrest which the Lieut Governor had in the losses would be sufficient inducement to their leader. Under all these difficulties the Government had no chance to get that or any disputable business done, but by preventing Otis taking the lead. This was to be done no otherwise than by convincing the House of the dangerous consequences which might follow the violent measures which it was known he would propose and prosecute. There was no one to do this but myself: I was sensible that arguments from the chair have but little weight in popular Assemblies when a Governor is reduced to argument; but I had no choice and there seemed to be no danger in trying an experiment which could not make things worse than they would be without it. It was upon these principles that I made my essay in my two speeches of May 29 and June 3 and tho' it failed of success yet I can say that if the Government got nothing by it it has lost nothing.

* * * * * *

For the reasons before mentioned knowing that the Faction intended to oppose the Compensation I found it necessary to introduce the recommendation of it in as forcible a manner as I could. And yet I used no other Terms nor expressions more forcible than I had been used to apply to his Majesty's recommendations during such part of the late War wherein I have been Governor of this Province, with the constant approbation of the Assembly. At this time nothing but a fixed determination to cavil at whatever I should say, to oppose whatever I should recommend and to work up in the people a jealousy of the interposition of Parliament could cause an exception to be taken to the words I used upon the occasion. I certainly intended

to do honour to the recommendation of the King with the advice of his Parliament by the most respectful terms which I could use. but to argue that I intended thereby to impeach the free agency of the Assembly is absurd when it is considered that at the same time I was applying to them, as free Agents. But the text of these expressions will be,* comparing them with others used upon like occasions: for this purpose I have desired the Secretary to search the books of the General Court in order to compare the one with the other. His Report I shall inclose with this, from whence will appear the Terms which have been applied to His Majesty's recommendations for four years together to which I beg leave to refer. The Exception taken in the present instance is that I have called His Majesty's *recommendation* a *requisition* and say that the authority with which it is introduced should preclude all disputation about complying with it. In regard to the first will not a stander by be astonished at seeing the cavilling at this word carried to such a length when he shall know that his Majesty's recommendations have been usually called requisitions both by me and the House for six years past and that the word requisition was first used to this purpose by the House and taken from them by me and again and again re-echoed by them. As to the other words, there are in these extracts expressions full as forcible such as these "you cannot hesitate one moment about a ready compliance with this requisition" feb. 23. 1762 and they were considered as terms of respect and not of positive obligation. And so they would have been now, if there had not been a settled design of quarrelling with the Govern[t] and promoting among this people a jealousy of the authority of Great Britain.

I should not have troubled Your Lordship with this explanation, if the House had not revived this dispute at the last Session and made it so serious as to instruct their special Agent to represent it to Your Lordship as the probable cause of the delay of the Compensation which I shall observe upon hereafter. In the meantime I have thought proper to insert this account of my intention in its proper place.

There were but two reasons given by the House in this Session for their not complying with the Recommendation the one was that it was a matter of such consequence that they must consult their constituents, the other, that the sufferers had not applied to the House in a parliamentary way. This latter was produced but just before the rising of the Court, if it had been mentioned in time it would have been removed by the sufferers petitioning the House, as they did at the beginning of the next Session. The former reason did not appear to be sincere, as they would not fix upon a short day for a recess and apply to me to adjourn them to such day, which I let them know I would do if they would make application for it. Instead of this they rather showed a disinclination to having an early session for this purpose and it was commonly said that the usual time of the winter Session (the middle of Jan[y]) would be soon enough for this business. On the other hand if I had called them together without a probability of success, it would have only made the matter worse, I had therefore nothing to do, but to watch the opportunity, when there should appear a disposition to make the compensation and then to lay hold of it.

In my letter to Your Lordship of Nov. 14 I informed you how cautious I was in guarding what I said to the General Court at the opening the Session from being perverted and of what little avail it was to my purpose; since for want of some fresh matter to quarell about, the House went back to a Speech I made 5 months ago, which was then fully animadverted upon, in order to make a fresh dispute. In their Address they say that the manner in which I had proposed a compensation to the sufferers had been derogatory to the Honor of the House and in breach of the priviledges thereof. The exceptionable words in my speech were these "The justice and humanity of this requisition is so forcible that it cannot be controverted; the authority with which it is introduced should preclude all disputation about complying with it." Now supposing I meant something more than terms of respect towards the King and Parliament (which it is difficult for any one who considers the nature of the business to conceive) Yet surely such assertion is much within the bounds of the solemn Declaration of their authority so lately made by the King and Parliament themselves, and therefore my crime would amount to no more than an indiscreet assertion of a real right upon an improper occasion. But surely for a Provincial Assembly to tell their Governor that his indirectly asserting the authority of the King and Parliament over them is a breach of the priviledges of their House, is itself a high breach of the priviledges of a much greater body. But my Lord I will make it evident that I meant only to use respectful terms towards the King and Parliament and not to urge any legal or legislative obligation upon the Assembly, and that the persons who made this objection knew that this was so, or ought to have known it. For this purpose I've employed the Secretary to search the Journals for the expressions I had formerly used in laying before the House the several orders I received from His Majesty during the late war, whose Report I beg to inclose with this: from whence it will plainly appear that upon this occasion I used no other terms nor more forcible expressions than I had often used before with the approbation and concurrence of the House: and that it was the temper of the House and not my words from whence this objection arose.

What the temper of the House or rather the disposition of the few leaders who influence a majority of it is, will appear from several passages which have passed in the House this last Session, which tho' at another time they would have been thought too insignificant for notice, are not so now. A gentleman, one of the chief speakers against the Compensation, in the course of his Argument said, in direct terms, 'The Parliament of Great Britain has no right to *legislate* for us' Upon which M[r] Otis got up made him a bow and thanked him saying that 'he went fur-

* Sic.

ther than he himself had done *in that House*'—Mr Otis was endeavouring to engage the House to censure the Governor for taking depositions in the Affair of resisting the Custom House Officers, of which I informed Your Lordship by my letter of Oct. 10, when a Member observed that 'He knew the time when the House would have readily assisted the Governor in executing the Laws of Trade instead of being moved to oppose him in it' To this Otis replied that the times were altered 'they now knew what their rights were, they then did not.'"—*Extract from letter of Gov. Bernard to the Earl of Shelburne, Dec.* 24, 1766: "*Mass. Bay, B. T.,*" *vol.* 79, *M. m.*, 64, *in Public-Record Office.*

The following extract is inserted, in the order of its date, to show what efforts were made, in certain quarters, to extend the precedent established by this act, of granting amnesty to rioters.

"Feb. 25, 1767. A Petition of Elijah Alvord, Joel Ely, Eleazer Day, James Doane, Stephen Ward, Nathan[l] Willistone, Lucas Morgan Daniel Nash jun[r], Thomas White jun[r] Nathan[l] Church and Jon[a] Pinney—Setting forth—That they, or the most of them have for several years past been engaged in the Lumber business on Connecticut River; that a certain Gentleman in the County of Hampshire by virtue of a deputation from the Surveyor of his Majesty's Woods seized all the white Pine Timber he could find on the River, and greatly distressed the people concerned in this business, and that as they conceive without discrimination; Whereupon they, at a time when peoples minds were greatly fretted and unsettled, unhappily assembled in a riotous manner in the Fields of Northampton where great numbers of those white pine Logs lay under Seizure with an intent to turn them into the River seized the Officer and carried him to Hadley and there detained him some hours against his will until by duress and Battery they obliged him to resign his Commission and to engage no more to pursue the aforesaid method of supposed Oppression. For which assault and Battery, of which they sincerely repent, they were indicted at the Court of General Sessions of the peace holden at Northampton in 1765, and at the next Session of said Court in February last, all appeared and pleaded guilty, and were by said Court fined Three pounds each, which they have paid with Costs; besides which they have some of them suffered the action of the said Officer against them who obtained a Judgment of Court against them on Verdict which they have also satisfied. And as they conceive that their Offence is full within the late Act of Indemnity, praying that they may be admitted to share in the Grace of the Government, their Conviction, & payment of their Fines being before the said act was made, notwithstanding.

In the House of Representatives. Read & Ordered that the prayer of this Petition be granted; and that the Treasurer of the County of Hampshire be, and he is hereby directed to pay out of the Treasury of the same County to each and every of the Petitioners aforesaid such Sums as they have respectively paid as Fines set upon them by the Court of General Sessions of the peace for said County on their Conviction of the Offence aforesaid, and that have been paid into said Treasury, and that upon his paying the same to said Petitioners, he shall discharge himself to the said County of such Sums so paid by virtue of this Order. In Council, Read and unanimously Nonconcurred."—*Council Records, vol. XXVI., p.* 419.

"This proceeding in the house [amnesty to the rioters] took its rise from one of the members, a principal lawyer in the county of Hampshire, several of whose clients were then in prison, in that county, for not paying their fines and the costs of court, having been convicted of a riot raised to oppose the execution of the stamp act. The attorney-general, having advised with the court, caused them to be indicted for a riot, and not for treason. This gentleman took exception to the indictment, the offence amounting, indisputably, to treason. The court was sensible that like exception, in like cases, had been taken in England, and overruled: and, upon those authorities, overruled the exceptions in this case, and gave judgment. The bill was framed to include these offenders in the indemnity. It was very doubtful whether, without this provision, the grant would have been made."—*Hutchinson's Hist. Mass. Bay, vol.* 3, *p.* 158.

"To William deGrey, Edward Willes } Esquires His Majesty's Attorney and Solicitor General.

Gentlemen,

As the Law herewith inclosed, passed in the Province of the Massachusets Bay in December 1766, appears to the Lords Commissioners for Trade and Plantations to be of a new and extraordinary nature and importance, I am directed by their Lordships to desire you will be pleased to take it into your consideration and to favour them with your opinion, whether the Legislature of that Province have by their Constitution a power to enact a Law of General Pardon, Indemnity and Oblivion, in the case to which it refers, without the previous consent of the Crown.

I am, with great respect Gentlemen Your most obedient humble Servant

JOHN POWNALL.

Whitehall March 13. 1767." } —"*Mass. Bay B. T.,*" *vol.* 86, *p.* 209.

"To the Right Honourable The Lords Commissioners for Trade and Plantations.

May it please your Lordships,

In obedience to Your Lordships Commands signified to us by Mr Pownall's Letter of the 13th of March last, inclosing to us a Law passed in the Province of the Massachusetts Bay in Dec[r] 1766 appearing to Your Lordships to be of a new and extraordinary nature and importance and desiring us to take it into our consideration and report our opinion whether the Legislature of that Province have by their Constitution a power to enact a Law of General Pardon, Indemnity and Oblivion in the case to which it refers without the previous consent of the Crown.

We have taken the same into our consideration and are of opinion that the Governor Council and Assembly of the Massachusetts Bay have not by the Constitution of that Province any original power to enact a Law of General Pardon, Indemnity and Oblivion in the case referr'd to, without the previous communication of the grace and pleasure of the Crown.

All which is humbly submitted to Your Lordships consideration

W: DEGREY.

April 10, 1767. E. WILLES."—*Ibid.*, *vol.* 79, *M. m.*, 58.

Upon receipt of this opinion, the Lords of Trade prepared their representation, an extract from which appears, as a foot-note to this chapter, *ante*. The committee, of the Privy Council, on trade and plantations, to whom this representation was referred, took it into consideration on the 9th of May, and, four days later, an order was passed at a session of the Privy Council, the record of which is as follows:—

"At the Court at St. James's. the 13 of May 1767.

Present

The King's most Excellent Majesty

His Royal Highness the Duke of York.	Earl of Ilchester
Archbishop of Canterbury.	Earl of Besborough
Lord President.	Earl of Hillsborough
Duke of Bolton.	Earl of Shelburne.
Duke of Queensberry.	Viscount Falmouth
Duke of Argyll.	Viscount Barrington
Marquess of Granby.	Viscount Clare.
Lord Steward	Bishop of London
Lord Chamberlain.	Lord Berkeley of Stratton
Earl of Denbigh.	Lord Bathurst
Earl of Shaftesbury	Lord Sandys
Earl of Litchfield	Mr Treasurer of the Household Jas. Stuart Mackenzie Esq.
Earl of Marchmont	Wellbore Ellis Esqre
Earl of Bristol	Sir Gilbert Elliott
Earl of Harcourt.	Master of the Rolls.

Upon reading at the Board a Report of the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 9th of this instant in the words following, Vizt

At the Council Chamber Whitehall the 9 day of May 1767

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs

Present

Lord Chancellor.	Viscount Howe
Lord President.	Viscount Barrington
Duke of Grafton.	Viscount Clare.
Duke of Bolton.	Lord North.
Duke of Ancaster	Lord Sandys.
Lord Steward	Mr Speaker
Earl of Denbigh.	Jas. Stuart Mackenzie Esq.
Earl of Cholmondeley.	Mr Secretary Conway.
Earl of Marchmont.	Mr Chancellor of the Exchequer.
Earl of Bristol.	Wellbore Ellis Esqre
Earl of Harcourt	Hans Stanley Esq.
Earl of Hillsborough.	Lord Ch. Justice Wilmot.
Earl of Shelburne.	Isaac Barré Esq.

Your Majesty having been pleased by Your Order in Council of the 13th of last Month to referr unto this Committee a Representation of the Lords Commissrs for Trade and Plantations touching and concerning an Act passed by the Great and General Court or Assembly of Your Majesty's Province of the Massachusets Bay in New England on the 6th day of December 1766 intituled

An Act for granting compensation to the Sufferers and of free and general pardon, indemnity and oblivion to Offendors in the late times.

The Lords of the Committee in obedience to your Majesty's said Order of Reference did on the 1st and 4th of this instant and again upon this day meet and take the said Representation and Act into their consideration together with the Charter granted to the said Province by Your Majesty's Royal Predecessors King William and Queen Mary, and also Your Majesty's Commission and Instructs to the present Governor of that Province and upon due deliberation had thereupon, and after a diligent enquiry into the precedents of the conduct of the Council Board in similar cases, Their Lordships are humbly of opinion, that it may be adviseable for Your Majesty (if in Your Royal wisdom you shall think fit) to disallow and reject the said Act, the said Assembly having therein unwarrantably incorporated an Act of Pardon with an Act of Compensation, without having obtained Your Majesty's previous consent to such Act of Pardon; and that it may likewise be adviseable for Your Majesty to direct Your Governor of the Massachusetts Bay, forthwith to require the said Assembly to pass a particular and effectual Act for compensating all or any of the Sufferers unmixed with any other matter whatsoever, in case such compensation shall not have been already made—And the Committee submit this opinion to Your Majesty without prejudice to the consideration of any question touching the nullity of the Act now under consideration *ab initio*, whenever the same may judicially come into question

His Majesty this day took the said Report into consideration and was pleased with the advice of his Privy Council to approve thereof and accordingly to order that the said Act be and it is hereby disallowed and rejected And His Majesty

doth hereby further Order that the Governor, Lieut. Governor or Commander in Chief of the Province of the Massachusetts Bay do forthwith require the said Assembly to pass a particular and effectual Act for compensating all or any of the Sufferers, unmixed with any other matter whatsoever, in case such compensation shall not have been already made."—*Ibid., vol.* 79, *M. m.*, 67.

"My Lords, I am to signify to Your Lordships His Majesty's Commands that you lay before the House of Commons the Printed Journal of the House of Representatives of the Province of Massachusets Bay from October to December 1766 and the Votes and Proceedings of the Assembly of the Province of New Jersey in June 1766."—*Earl of Shelburne to Lords of Trade, May* 11, 1767: *ibid., M. m.*, 59.

"Monday May 11th 1767.

At a Meeting of His Majty's Commissrs for Trade and Plantation.

Present

Lord Clare.

Mr Jenyns. Mr Rice.

Mr Dyson.

Read a letter from the Earl of Shelburne dated the 11th instant signifying His Majesty's Commands that the Board do lay before the House of Commons the printed Journals of the House of Representatives of Massachusetts Bay from October to December 1766 and also the Votes and Proceedings of the Assembly of New Jersey in June 1766.

The said Papers having been laid before the Board, Lord Clare was desired to present them to the House pursuant to His Majesty's commands.

Clare."—"*Trade Papers*," *vol.* 69, *p.* 135.

"Whitehall May 15. 1767.

My Lords, I herewith inclose to Your Lordships Copy of an Order of the House of Lords of yesterday, and am to signify to Your Lordships His Majty's Pleasure that you give directions that Copies of all Papers, Proceedings and Reports relative to your Board, and referred to in that order, be transmitted to me to be laid before the House.

I am, My Lords Your Lordships most obedient humble Servant Shelburne.

'House of Lords, Thursday 14th May 1767

Ordered, That an humble Address be presented to His Majesty, that he will be graciously pleased to give Directions that there be laid before this House Copies of all Reports made to or by the Commissioners of Trade and Plantations, together with all Orders and Proceedings made or had by the Secretaries of State, or His Majty's Privy Council, relating to the Bill passed by the Governor, Council and Assembly of the Massachusetts Bay, for granting Compensation to the Sufferers, and of free and general Pardon, Indemnity and Oblivion to the Offendors in the late times, from the time of the Receipt of the said Bill— And that the Lords with white staves do wait on His Majesty therewith.'"—*Earl of Shelburne to Lords of Trade*: "*Mass. Bay, B. T.*," *vol.* 79, *M. m.*, 60.

"Whitehall 15 May 1767.

My Lords, I send to Your Lordships Copy of a Resolution of the House of Commons of yesterday and I am to signify to Your Lordships His Majesty's pleasure that you give immediate directions that the Papers therein mentioned be accordingly prepared and transmitted to me in order to be laid before that House.

I am My Lords Your Lordships most obedient humble Servant.

Shelburne.

'House of Commons. 14 May 1767.

Resolved, That an humble Address be presented to His Majesty, That His Majesty will be graciously pleased to give directions that there be laid before this House Copies of all References, Reports, Orders and Proceedings made by the Commissioners of Trade and Plantations, the Secretaries of State, or His Majesty's Privy Council, relative to the Act passed by the Assembly of the Massachusetts Bay for granting Compensation to the Sufferers and of free and general Pardon, Indemnity and Oblivion to the Offendors in the late Times from the 29th of December last.'"—*Shelburne to Lords of Trade: Ibid.*

In compliance with the foregoing order and resolve the Lords of Trade presented to each of the Houses of parliament, copies of the following papers; viz., the act, minutes of the proceedings of the Lords of Trade thereupon, the letter from Secretary Pownall to the Attorney and Solicitor General, and their report, and the representation of the Lords of Trade to the Privy Council.

"Oct. 15. 1767. His Excellency having communicated to the Council a letter from the Right Honble the Earl of Shelburne, one of His Majesty's Principal Secretaries of State, inclosing an Order of His Majesty in his Privy Council, by which His Majesty has been pleased to disallow and reject an Act passed by the Great & General Court or Assembly of this Province in December 1766 intitled 'An Act for granting Compensation to the Sufferers and of free and general Pardon Indemnity and Oblivion to the Offenders in the late times.'

Advised and Ordered that Notice be given in the Massachusetts Gazette, that the said Act is disallowed and rejected, that every person concerned therein may govern themselves accordingly."—*Executive Records of the Council*, 1765-1774, *p.* 257.

"The act was disapproved, upon its being laid before the king, merely from the nature of it, and the danger of establishing a precedent; but the money was paid before the news arrived, and nothing further passed upon the subject."—*Hutchinson's Hist. Mass. Bay, vol.* 3, *p.* 160.

Chap. 11. "Feb. 21, 1767. A Petition of Elias Willard and a great number of Others Inhabitants and proprietors of Richmont in the County of Berkshire—Set-

ting forth, That there are about eighty Families in said Town, that the Town is long, and there are already two Meeting Houses and two Religious Societies therein; that there are sundry difficulties they are under by being one Propriety. And praying that that part of their original Purchase called Yokun may be erected into a separate Town or District.

In the House of Representatives. Read & Ordered that Col° Williams, M^r Chadwick and Col° Murray with such as the Hon^ble Board shall join be a Committee to take the Petition into consideration and Report. In Council, Read and Concurred & Gamaliel Bradford and Timothy Paine Esq^rs are joined in the Affair."—*Council Records, vol. XXVI., p.* 409.

Chap. 15. "Oct. 25, 1764. A Petition of Sundry Inhabitants of the Westerly part of Townshend and the Northerly part of Fitchbourg, and Northeasterly part of Dorchester Canada, and of those living on Lexington Farms so called—Setting forth the great difficulties they labour under by reason of their distance from any place of public Worship, and in attending Town Meeting and Trainings that there are about thirty Families of them, and the Land lyes convenient for a Town or District. And Praying that they and their Lands with a small Gore adjoining to Cambridge may be erected into a Town or District accordingly.

In the House of Representatives Read and Ordered That the Petitioners serve the Inhabitants of Townshend, Cambridge and Lexington with a Copy of said Petition by leaving the same with the respective Clerks of said Towns: and also serve the Proprietors of Dorchester Canada with a Copy of said Petition by leaving the same with the Proprietors Clerk, that so they shew cause if any they have on the second Wednesday of the next Session of this Court, why the Prayer thereof should not be granted. In Council Read and Concurred."—*Council Records, vol. XXV., p.* 294.

"June 24, 1765. The following Order passed in consequence of the Report of a Committee of both Houses appointed the 7^th Inst to take under consideration a petition of sundry Inhabitants of Townshend, Fitchburgh and Dorchester Canada and the several Answers made thereto viz^t—

In Council, Read and Accepted: And inasmuch as it appears probable that the petitioners may in a short time hence be erected into a District, altho' at present it might be inconvenient to seperate them from the Towns to which they now belong.

Ordered that the Petitioners be exempted from the payment of any Taxes that may after this time be granted by the proprietors or Inhabitants of Fitchburgh towards building their Meeting House, or by the proprietors or Inhabitants of Ashburnham towards the finishing theirs.

In the House of Representatives, Read and Concurred. Consented to by the Governor."—*Ibid., vol. XXVI., p.* 61.

See, also, note to 1764-65, chap. 17, *ante*.

Chap. 17. Soon after the peace of Paris, the Acadians who had been brought into the province, upon the suggestion of Gov. Lawrence of Nova Scotia, and of his successor, Lieut.-Governor Belcher, began to take measures for emigrating to some place under the dominion of France, or to some other country where the priests of their religion would be tolerated,—the provincial statute 1700-1, chap. 1, which proscribed all Roman Catholic clergymen, on pain of perpetual imprisonment, being still in force in Massachusetts.

The Count D'Estaing, governor-general, as early as June 1764, had issued an invitation to them to settle in San Domingo; but the policy of allowing these subjects of Great Britain to thus change their allegiance, being doubted by Gov. Bernard, he issued his proclamation forbidding their departure until he could receive advice and direction from the ministry.

The distressed condition of these strangers, and the burden they imposed upon the several towns among which they were distributed, made it imperative that speedy provision should be made for them somewhere outside of the province, where they might settle, as British subjects, and eventually become self-sustaining; and therefore the newly acquired territory of Canada, where, by the terms of the treaty, Romish priests and Protestant ministers enjoyed equal toleration, seemed the most available place for their future habitation.

This chapter was enacted to provide for defraying the expenses of relieving and transporting them; and the following extracts show the progress of some of the events and of the measures which resulted in its enactment. See, also, note to 1757-58, chap. 7, *ante*.

"Mr. Secretary came down from His Excellency the Governor with the following Message, Viz.

Gentlemen of the House of Representatives.

At the beginning of this Session I sent a Message to you recommending a Petition of some French Acadians, to which I have received no Answer. I now recommend to you another Petition of the Acadians in general, which I desire you would immediately take into your Consideration.

Ever since I have been Governor of this Province I have had great Compassion for this People, as every one must, who has considered that it was by the Exigencies of War, rather than any Fault of their own, that they were removed from a state of Ease and Affluence, and brought into Poverty and Dependance; from which in their present situation they can see no prospect of being delivered. I have heretofore made several Attempts to get them settled in some manner that might make them useful Subjects of Great-Britain, and comfortable to themselves; but I have failed for want of Ability.

You have now an Opportunity at no great Expence to dispose of these People, so that, instead of being a Burthen to the Province and to themselves, as they are like

to continue whilst they remain here; they may become a fresh accession of Wealth and Strength to the British Empire in America; as it is certain that their Industry only waits for Property to exert itself upon, without which no one will be industrious. I therefore hope you will improve this Occasion; and in so doing you will unite public Spirit with Charity, FRA. BERNARD.

Council-Chamber Feb. 13, 1766.

Read and Ordered, That this Message be considered at three o'Clock Afternoon."—*House Journal, p.* 272.

"Feb. 20, 1766. In the House of Representatives. Upon the Petition of the Accadians Resolved That the Commissary General be directed forthwith to put in Execution the Resolve of the whole Court of the 15th of February last respecting said Accadians, and if they refuse to go to the several Towns to which they were assigned by order of this Court, that then the House Rent and provisions they now receive be withdrawn, and that they still be deemed as Inhabitants of the Towns to which they are originaly assigned. But in case any of them should be in such necessitous circumstances as to require immediate Relief and support they shall be relieved at the charge of the Province 'till they are in circumstances to return to the Towns to which they belong.

In Council, Read and Nonconcurred "—*Council Records, vol. XXVI., p.* 193.

"Sir. I received some time ago your Letter of the 25th Feby relative to the Accadians in your Province: I think it will be for the good of the British Empire in General, and that of this Province in particular that these people were Settled here upon the same footing with his Majestys New Canadian Subjects, and therefore I shall not hesitate to receive them. But as they formerly refused to take the Oath of Allegiance & abjuration, and by their Petition to me, it appears they expect to be supported here at the expence of Government until they can provide for themselves, I think it necessary to inclose my Answer to their Petition, which I beg you will be pleased to have communicated to them in such a way that none may plead ignorance: this will prevent future heartburnings & reproaches on either side."—*Extract from letter of Gov. Murray to Gov. Bernard, Apr.* 28, 1766: *Mass. Archives, vol.* 24, *p.* 570.

"June 9, 1766. The Secretary went down to the House of Representatives with the following Message, and the Letter from Governor Murray and the Petition from the French Accadians therein referred to; the Message is vizt

Gentlemen of the House of Representatives

According to the desire of the House last Session, I sent two Accadians in February last with Letters to his Excellency Governor Murray: One of them is since returned and has brought Letters from Govr Murray, expressing his readiness to receive the Accadians if they shall be transported thither; but signifying his Inability for want of a proper Fund to make any provision for them upon their arrival. The Accadians are willing to go, and have given in Lists of those who are ready to the amount of Eight hundred and ninety persons. They have also given in another Petition praying some provision may be made for supporting them for a little time after their arrival. All which I lay before You, that you may do herein as you shall think most proper. FRA. BERNARD."—*Council Records, vol. XXVI., p.* 245.

"June 11, 1766. On a Motion made and seconded, *Ordered*, That Mr. *Wood*, Capt. *Thayer*, Capt. *Saunders*, Mr. *Oliver*, and Mr. *Johnson*, be a Committee to inquire into the State and Circumstances of the *Accadians* in the Province, and report what is proper to be done. The said Committee are instructed to enquire how far the Orders of this Court relating to said *Accadians* have been comply'd with, and whether any Provision has been since made for them at the Expence of this Government."—*House Journals, p.* 73.

"June 18, 1766. The Committee appointed to enquire into the State and Circumstances of the *French Accadians* in the Province made report.

Ordered, That Mr. *Otis*, Col. *Bowers*, and Mr. *Sayward*, be a Committee to prepare a Resolve to prevent their being further supplyed at the Expence of the Government, and to consider what is proper to be done respecting the Money already advanced for that Purpose."—*Ibid*, *p.* 95.

"June 25, 1766. Ordered, That Mr. *Wood*, Capt. *Saunders*, and Col. *Prescot* of *Groton*, be a Committee to prepare an Answer to his Excellency's Message relating to the French Neutrals."—*Ibid., p.* 126.

"June 26, 1766. Capt Saunders and Others from the House of Representatives waited on his Excellency the Governor with the following Message

May it please your Excellency. The House have duly attended to your Excellencys Message of the 9th Instant relative to the French Accadians; and by Governor Murrays Letter accompanying the same We find he is ready to receive them; but your Excellency is pleased to inform us, that Govr Murray has signified to you his inability for want of a proper Fund to make any provision for them upon their arrival there.

As this Province has been at great expence in supporting them here, and have taken other measures to render them comfortable; the House can't think it prudent at this time that this Government should be at any further expence concerning them."—*Council Records, vol. XXVI., p.* 291.

"June 27, 1766. In the House of Representatives. Resolved That the Sum of Forty eight pounds, fifteen shillings & eight pence half penny which has been paid out of the Treasury of this Province by order of the Governor and Council for the support of sundry of the Accadians, be added to the next years Tax of each of those Towns to which the several persons for whose support the same money was advanced, were assigned, in the same proportion as the same was paid out, and that no further Sum be paid out of the Treasury for the support of any of those people without the Order of this Court.

In Council, Read and Concurred, with inserting, 'Cases of absolute necessity excepted.'

In the House of Representatives, Read & Nonconcurred."—*Ibid., p.* 294.

"June 6, 1767. *Ordered*, That Col. *Murray*, Mr. *Hall*, and Col. *Preble*, be a Committee to enquire to what Towns those 19 Accadians belonged, for whose passage to *Quebec*, the Sum of *thirty-four Pounds* was advanced out of the Treasury."—*House Journals, p.* 28.

"June 8, 1767. A Petition of *Elisha Story*, Physician, praying that he may be allowed the Sum of £13 7, for Medicines and Attendance on divers sick Neutrals, as set forth in his Petition.

Read and not sustain'd." —*Ibid., p.* 32.

"June 9, 1767. *Ordered*, That Col. *Bourn*, Maj. *Frye*, and Capt. *Farley*, be a Committee to inquire into the Circumstances of *Michael D. Eagle* a French Neutral, and report to the House."—*Ibid., p.* 34.

"June 9, 1767. In the House of Representatives. Resolved that the Sum of Forty eight shillings be paid out of the Province Treasury to Michael Daigle one of the Nova Scotia French Inhabitants, to enable him to transport himself and Family from this Province to Canada.

In Council, Read & Concurred, Consented to by the Governor."—*Council Records, vol. XXVII., p.* 36.

"June 10, 1767. On a Motion made and seconded *Ordered*, That Col. *Bowers*, Col. *Richmond*, and Capt. *Sheaffe*, be a Committee to inquire by whose Determination and Order the Charge of supporting any sick and indigent Persons in any of the Towns in this Province, have been allowed and paid out of the Province Treasury: And also in what Manner and by whom such sick and indigent Persons have been adjudg'd to be the proper Charge of this Province, and make report."—*House Journal, p.* 38.

"Jan. 5, 1768. In the House of Representatives. Ordered that Col° Bowers, M^r^ Sayward and M^r^ Hall be a Committee with such as the Hon^ble^ Board shall join to inquire into the state of the poor of this Province in the Town of Boston. In Council, Read and Concurred and William Brattle and Jeremiah Powell Esq^rs^ are joined in the affair."—*Council Records, vol. XXVII., p.* 118.

"Feb. 26, 1768. The Committee appointed the 5^th^ of January last to enquire into the State of the Poor of this Province in the Town of Boston presented a Schedule and sundry Accounts annexed to shew the same, which was read in Council and sent down to the House of Representatives, whereupon they passed the following Order viz^t^—In the House of Representatives, Read and Ordered That M^r^ Dexter, Cap^t^ Sheaffe and M^r^ Sayward with such as the hon^ble^ Board shall join be a Committee to agree with a Doctor to take the care of the poor of this Province in the Town of Boston, and that the Committee notify the Selectmen of the Town of Boston to attend upon them, if they see cause, and the Committee are further directed to report a full account of the charges of maintaining the Province poor in said Town the year past.

In Council, Read and Nonconcurred."—*Ibid., p.* 259.

See 1767–68, chap. 8, and note, for assessments on towns for sundry expenses incurred by the province for the support of Acadians.

Chap. 18. "Feb. 12, 1767. Pursuant to agreement the two Houses proceeded to the choice of Civil Officers for the present year, when James Russell Esq^r^ was chosen Commissioner of Impost by a major part of the Votes of the Council and House of Representatives. Consented to by the Governor."—*Council Records, vol. XXVI., p.* 379.

Chap. 19. "Mar. 20, 1767. In the House of Representatives. Whereas the hon^ble^ Sam^l^ Danforth Esq^r^ and Nathaniel Hatch Esq^r^ two of the Commissioners by Law appointed for adjusting the affairs necessary for the equitable finishing the Land Bank, desire to be excused from that trust, and Thomas Goldthwait Esq^r^ another of said Commissioners is removed to such a distance as that he cannot conveniently attend.

Ordered that there be three persons chosen by this Court Commissioners in their room to receive Commission from his Excellency the Governor; and that a Bill be brought in impowering such Commissioners as may be appointed by this Court to execute their Commission.

In Council, Read & Concurred."—*Council Records, vol. XXVI., p.* 484.

Chap. 21. "June 12, 1764. A Petition of Benjamin Hallowell Esq^r^—Setting forth, That soon after the late great Fire in Boston an Act passed for regulating the Streets in that part of the Town, and a Committee was appointed for that purpose: That the said Committee had projected a new Street, and the Petitioner whose House was burned in said Fire built a new one in conformity to said projection; but that the Committee on the last day of their Sitting laid the same aside and carried the Street 23½ feet into the Petitioners Shipyard where it will cost at least £150—Sterling to fill up the Dock and make Land fit for the purpose. And Praying that Bread Street may be made to cross Milk Street so as to be continued up to the Front of the Petitioners said House, the Petitioner agreeing to pay for such land as shall be laid out for the continuing said Street as aforesaid, as it shall be apprized by any judicious men.

In the House of Representatives Read and Ordered That the Petitioner serve the Clerk of the Town of Boston with a copy of this Petition, that they shew cause, if any they have, on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted

In Council Read and Concurred."—*Council Records, vol. XXV., p.* 257.

"Feb. 9, 1765. A Petition of Benj[a] Hallowell Esq[r] praying for an alteration in the running of the Street leading to Battery March by the petitioners House and Ship yard as entered the 12[th] of June last.

In Council, Read again together with the Answer of the Town of Boston. And Ordered, That James Bowdoin Esq[r] with such as the Hon[ble] House shall join be a Committee to ascertain the value of the several parcels of Land that may be taken for accomodating the Street as it is proposed to be run, or for accomodating either of the parties concerned, as mentioned in the said petition or Answer, and bring in a Bill accordingly.

In the House of Representatives, Read and Concurred, and M[r] Boardman and M[r] Gray are joined in the affair."—*Ibid., p.* 396.

"June 25, 1765. In Council. Voted that the Petition of Benj[a] Hallowell with the papers accompanying it relative to the laying out a new Street in the Town of Boston be referred to the next Session of this Court; and in the mean time that the Committee prepare a Bill for the purpose mentioned in said Petition, and papers, and report the same at the next Session. In the House of Representatives. Read and Concurred."—*Ibid., vol. XXVI., p.* 61.

Chap. 22. "Their Lordships took into consideration twelve Acts passed in the Province of Massachusets Bay in February and March last, together with Sir Mathew Lamb's Report thereupon.

Ordered that the Act entituled *An Act for effectually preventing the currency of the Bills of Credit of Connecticut, New Hampshire and Rhode Island within this Province* be taken into further consideration on this day se'nnight and that the principal merchants trading to the New England Colonies, be desired to attend the Board on that day."—*Extract from Minutes of the Board of Trade, Dec.* 1, 1767: "*Trade Papers*," *vol.* 69, *p.* 335.

"Their Lordships took into further consideration the Act passed in the Province of Massachusetts Bay for *preventing the currency of Bills of Credit of the neighbouring Govern[ts]* and M[r] Alderman Trecothick and M[r] Bernard two principal Merchants trading to the New England Colonies attending, their Lordships had some discourse with them upon the subject of this Act, which they stated to have had a salutary effect and that it was, in their opinion, a measure accompanied with benefit to the mercantile interest but submitted the propriety of the several provisions to their Lordships consideration."—*Ibid., p.* 339: *Dec.* 8, 1767.

ACTS,

PASSED 1767–68.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-seventh day of May, A.D. 1767.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM * THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to his excellency, Francis Bernard, Esquire, captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of this government. [*Passed June* 4; *published June* 25.

Grant of £1,300 for the support of his majesty's governor.

CHAPTER 2.

AN ACT FOR INCORPORATING THE NORTH-EAST QUARTER OF THE TOWNSHIP OF RUTLAND, IN THE COUNTY OF WORCESTER, INTO A DISTRICT BY THE NAME OF HUBBARDSTON.

Whereas the inhabitants of the north-east quarter of the township of Rutland, in the county of Worcester, labour under many and great difficulties, by reason of their not being erected into a distinct and separate district; wherefore,—

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said north-east quarter of Rutland, as hereafter described; viz[t]., bounded, southerly, on the town of Rutland; easterly, on Princetown; northerly, on Templetown; and, westerly, on Rutland district,—be and is hereby incorporated into a district by the name of Hubbardston; and that the said district be and hereby is invested with all the powers, priviledges and immunities that towns in this province by law do or may enjoy, that of sending a representative to the general court only excepted; and that the inhabitants of said district shall have liberty, from time to time, to join with the town of Rutland in chusing a representative; and shall be notified, by the selectmen of said town of Rutland, of the time and place of election, by giving seasonable notice to the clerk of the said district for the time being, of the time and place of the said meeting, to the end that the said district may join them

Hubbardston erected into a district, by certain bounds:

—to join with Rutland in choosing a representative.

* *Sic:* "of" omitted.

therein; and the clerk of said district shall set up, in some public place in said district, a notification thereof accordingly; which representative may be chosen indifferently from said town or district; the pay and allowance of such representative to be borne by said town and district in proportion as they shall, from time to time, pay to the province tax.

Provided, nevertheless,—

Proviso.

And be it further enacted,

[SECT. 2.] That the said district shall pay their proportion of all town, county and province taxes already set on, or granted to be raised by, the town of Rutland, in like manner as if this act had not been made.

And be it further enacted,

A tax laid for repairing roads.

[SECT. 3.] That there be laid a tax of one penny per acre upon all the lands lying in said district, for one year only, to enable the inhabitants of said district to make and repair roads.

And be it further enacted,

John Murray, Esq., to issue his warrant for calling a meeting:

[SECT. 4.] That John Murray, Esq[r]., of said Rutland, be and hereby is directed and empowered to issue his warrant, directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district, qualified to vote in town affairs, to assemble, at some suitable time and place, in said district, to chuse all such officers as are necessary to manage the affairs of said district.

And be it further enacted,

—town clerk of Rutland to deliver him copies of last lists of valuations.

[SECT. 5.] That the town clerk of the town of Rutland, before the first meeting of the said district of Hubbardston, shall deliver to said John Murray, Esq[r]., copies of the last lists of valuations of the real and personal estates of the inhabitants of said district of Hubbardston, in order to determine the qualifications of voters at said meeting; and that the inhabitants who shall appear, by said lists, to be voters, according to law, shall be allowed to vote. [*Passed June* 13; *published June* 25.

CHAPTER 3.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED LEBANON, LYING AT THE HEAD OF THE TOWN OF BERWICK, ADJOINING ON THE EASTERN SIDE OF SALMON FALLS RIVER, IN THE COUNTY OF YORK, INTO A TOWN BY THE NAME OF LEBANON.

Preamble.

WHEREAS the erecting the plantation called Lebanon, into a town, will greatly contribute to the growth thereof, and remedy many inconveniencies to which the inhabitants and proprietors may be otherwise subject,—

Be it enacted by the Governor, Council and House of Representatives,

Lebanon erected into a town, by certain bounds.

[SECT. 1.] That the plantation aforesaid, bounded as followeth; viz., begining at Salmon Fall River, in the north bounds of the township of Berwick, and to run, north-east and by east, with that line, six miles two hundred rods; then, north-west and by north, six miles and eighty rods, with the province land; then, south-west and by west, with the unappropriated lands of the government, and a grant made to Jonathan Bagley, Esq., to the river aforesaid; and then, with the said river, to the bounds first mentioned,—be and hereby is erected into a town by the name of Lebanon: and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do enjoy.

And be it further enacted,

Benjamin Chad-

[SECT. 2.] That Benjamin Chadburne, Esq., be and hereby is im-

powered to issue his warrant, directed to some principal inhabitant in said town, requiring him to warn the inhabitants of the said town, who have an estate of freehold according to charter, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required by law to manage the affairs of the said town. [*Passed June* 17; *published June* 25.

burne, Esq., to issue his warrant for calling a meeting.

CHAPTER 4.

AN ACT FOR INCORPORATING THE SOUTH-WESTERLY PART OF DEERFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT BY THE NAME OF CONWAY.

Whereas it appears to this court that the incorporating the south-westerly part of the town of Deerfield, in the county of Hampshire, into a seperate district, would relieve the inhabitants already settled there, from many difficulties they now labour under, and tend greatly to encourage others to settle thereon,—

Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the south-westerly part of the said town of Deerfield, bounding as follows; viz., east, on the Seven-mile Line, so called, until it comes to Deerfield River; south, upon the north line of the town of Hatfield; west, on the east line of Ashfield; north, partly on the North-west Division, so called, until it meet with Deerfield River, and thence, by said river, until it come to the Seven-mile Line aforesaid, —be and hereby is erected into a district by the name of Conway: and that the inhabitants thereof be vested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do enjoy, excepting only the priviledge of sending a representative to the general assembly; and that the inhabitants of said district shall have liberty, from time to time, to join with the town of Deerfield in the choice of a representative or representatives; which representatives may be chosen indifferently from said town or district, or the district of Greenfield, already joined with said town of Deerfield; the pay and allowance of such representatives to be borne by said town and districts, according to their respective proportions of the province tax; and that the town of Deerfield, as often as they shall call a meeting for the choice of representatives, shall, from time to time, give seasonable notice to the clerk of the said district of Conway, for the time being, of the time and place for holding said meeting, to the end that the said district may join therein; and the clerk of said district shall set up, in some public place in said district, a notification thereof accordingly: the meeting for the choice of representatives to be held in the town of Deerfield, and to be regulated by the selectmen of said Deerfield.

Conway erected into a district, by certain bounds:

—to join with Deerfield in choosing a representative:

—meeting for the choice, to be held in Deerfield:

And be it further enacted,

[Sect. 2.] That the said district of Conway shall pay their proportion of all town, county and province taxes already set on, or granted to be raised, as if this act had not been made; and in future taxes, until the further order of this court, shall pay a like proportion as they paid in the last province and county taxes laid on the town of Deerfield, and that it be deducted from Deerfield tax.

—to pay their proportion of certain taxes.

And be it further enacted,

[Sect. 3.] That Elijah Williams, Esq., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said dis-

Elijah Williams, Esq., to issue his warrant for

calling a meeting.

trict of Conway, requiring him to warn the inhabitants of the said district, in order to chuse such officers as, by law, towns are impowered to chuse in the month of March, annually.

Be it enacted,

Who shall be allowed to vote at said meeting.

[SECT. 4.] That the inhabitants of the said district of Conway, who, in the last tax in the town of Deerfield, were rated one-half part so much for their estates and faculties as for one single pole, shall be allowed to vote in their first meeting, and such other meetings as may be called in said district, until a valuation of estates shall be made by assessors there. [*Passed June* 17; *published June* 25.

CHAPTER 5.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF EIGHTEEN THOUSAND THREE HUNDRED POUNDS.

Preamble.

WHEREAS no provision is made to defrey the charges of government for the present year; *and whereas* the treasurer has represented to this court, that, when the taxes for the year one thousand seven hundred and sixty-six are paid into the treasury, with the excise upon spirituous liquors, there will be a surplusage in the treasury of at least eighteen thousand three hundred pounds,—

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £18,300.

[SECT. 1.] That the treasurer be and he is hereby directed to apply the aforesaid sum of eighteen thousand three hundred pounds to defrey the charges of government for the ensuing year, to be issued in the manner following; that is to say, the sum of eight thousand pounds, part of the aforesaid sum of eighteen thousand three hundred pounds, shall be applied for the payment of grants made or to be made by this court; and the further sum of three thousand three hundred pounds, part of the aforesaid sum of eighteen thousand three hundred pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of five hundred pounds, part of the aforesaid sum of eighteen thousand three hundred pounds, shall be applied for the purchasing provisions and the commissary's disbursements for the service of the several forts and garrisons within this province; and the further sum of two thousand pounds, part of the aforesaid sum of eighteen thousand three hundred pounds, shall be applied for the discharge of debts owing from this province to persons who have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned them for that purpose, and for paper, writing and printing for this court, and repairs of the province-house, court-house, lighthouse, wood at Castle William, and repairs of fortifications within this province; and the further sum of four thousand pounds, part of the aforesaid sum of eighteen thousand three hundred pounds, shall be applied for the payment of expences of the several forts and garrisons within this province; and the further sum of four hundred pounds, part of the aforesaid sum of eighteen thousand three hundred pounds, shall be applied for the payment of the bounty upon wheat and flour; and the further sum of one hundred pounds, part of the aforesaid sum of eighteen thousand three hundred pounds, shall be applied to pay such contingent and unforeseen charges as may arise, and for no other purpose whatever.

How appropriated.

And be it further enacted,

[Sect. 2.] That the treasurer pay the aforesaid sum of eighteen thousand three hundred pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and account of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts of charge, after payment thereof. [*Passed June* 19; *published June* 25.

Treasurer to pay the money out of the appropriations directed by warrant.

CHAPTER 6.

AN ACT FOR CONFIRMING THE VOTES AND ORDERS OF THE PROPRIETORS OF THE TOWN OF ROYALSTON, SINCE THE FOURTH DAY OF JUNE, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR.

Whereas at a meeting of the proprietors of the town of Royalston, held at Cambridge, in the county of Middlesex, on the fourth day of June, in the year one thousand seven hundred and sixty-four, the standing clerk of the said propriety being necessarily absent, Caleb Dana, Esq., was then chosen clerk, *pro hac vice*, but not sworn; and the meeting aforesaid was adjourned from time to time, and many votes of great consequence to said propriety were passed at the several meetings, by adjournment, since the said fourth day of June, and a division made of the greatest part of the proprietors' land in said town, and deeds passed in consequence of said meeting, and the several adjournments thereon; and the proprietors have made application to this court to aid them so far as to confirm the said meeting of the fourth day of June aforesaid, and all the subsequent proceedings thereon at their several adjournments, the omission of the said Dana's being sworn notwithstanding; therefore,— Preamble.

Be it enacted by the Governor, Council and House of Representatives,

That the meeting of the said proprietors of Royalston, of the fourth day of June, one thousand seven hundred and sixty-four, and all the votes and orders passed at said meeting, and the several meetings they have had by adjournments since, and all their proceedings as to a division of their lands, and every other act or acts, thing or things, by them done on the said fourth day of June, one thousand seven hundred and sixty-four, and at their several adjournments since, be and hereby are confirmed, to all intents and purposes, as fully as if the said Caleb Dana had been duly and seasonably chosen and sworn to the faithful discharge of his said trust: *provided*, the said Caleb make solemn oath that he has truly and faithfully entred the votes and proceedings of said proprietors, at each and every of the meeting aforesaid wherein he acted as clerk, and a certificate of such oath be entred in the records of the said proprietors. [*Passed June* 20; *published June* 25. Votes and orders since the 4th of June, 1764, declared valid.

Proviso.

CHAPTER 7.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF ONE HUNDRED AND TWENTY-FIVE THOUSAND EIGHT HUNDRED AND FIFTY POUNDS, TO BE APPLIED FOR THE REDEMPTION OF GOVERNMENT SECURITIES THAT WILL BECOME DUE IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SIXTY-EIGHT.

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £125,850.

[SECT. 1.] That the treasurer of the province be and he hereby is directed and impowered to borrow, of such person or persons as shall appear ready to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding one hundred and twenty-five thousand eight hundred and fifty pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government;" and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the said sum the treasurer shall give his receipt or obligation in the form following:—

1749-50, chap. 19.

Form of the treasurer's notes.

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer to repay the said or to his order, the twentieth day of June, one thousand seven hundred and sixty-nine, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined gold and silver enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with the interest, annually, at five per cent.

Witness my hand, H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

—and no receipt shall be given for less than six pounds.

Treasurer to observe the directions of the act of the 2d of his present majesty.

[SECT. 2. And the treasurer, in issuing said receipts and obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his present majesty's reign, intituled "An Act to supply the treasury with the sum of twenty-five thousand pounds."

1761-62, chap. 23.

And be it further enacted,

Money borrowed, to be applied for the redemption of government securities.

[SECT. 3.] That the said sum of one hundred and twenty-five thousand eight hundred and fifty pounds, ordered to be borrowed by this act, when received into the treasury, shall be applied by the treasurer for the redemption of government securities that will become due in June, one thousand seven hundred and sixty-eight.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon), by him given in pursuance of this act, we, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in great and gen-

eral court assembled, have chearfully given and granted unto his most excellent majesty a tax of one hundred and thirty-two thousand one hundred and forty-two pounds ten shillings, to be levied on polls, and estates both real and personal, within the province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the great and general court or assembly at their session in May, one thousand seven hundred and sixty-eight, and to be paid into the public treasury on or before the thirty-first day of March, one thousand seven hundred and sixty-nine; and pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

Tax granted for the sum borrowed, to be paid into the treasury 31st March, 1769.

[Sect. 4.] That there be and hereby is granted unto his most excellent majesty the sum of one hundred and thirty-two thousand one hundred and forty-two pounds ten shillings, to be accordingly levied on polls, and estates both real and personal, within the province, according to such rules, and in such proportions on the several towns and districts within the province, as shall be agreed on and ordered by the general court or assembly at their session in May, one thousand seven hundred and sixty-eight, and to be paid into the public treasury on or before the thirty-first day of March, one thousand seven hundred and sixty-nine.

And be it further enacted,

If the court shall not apportion the tax in May, 1768, the tax shall then be apportioned as in the tax act preceding.

[Sect. 5.] That if the general court, at their sessions in May, one thousand seven hundred and sixty-eight, and some time before the twentieth day of June in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

Province treasurer to issue his warrants accordingly.

[Sect. 6.] And the province treasurer is hereby impowered and directed, some time in the month of June, in the same year, one thousand seven hundred and sixty-eight, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at or before the aforementioned time: and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act. [*Passed June* 20; *published June* 25.

CHAPTER 8.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FORTY THOUSAND POUNDS; AND ALSO, FOR APPORTIONING AND ASSESSING A TAX OF THREE THOUSAND AND TWENTY-SIX POUNDS AND FIVE SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-SIX; AND ALSO, FOR ASSESSING THE TOWN OF SWANZEY THE SUM OF FIFTY

POUNDS, BEING PART OF THE SUM OF THREE HUNDRED POUNDS LENT SAID TOWN IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR; AND ALSO, FOR ASSESSING THE TOWN OF NEWBURY THE SUM OF SEVENTY-THREE POUNDS TEN SHILLINGS AND TENPENCE, AND THE TOWN OF NEWBURYPORT THE SUM OF FIFTY-EIGHT POUNDS FIFTEEN SHILLINGS AND TENPENCE, BEING TAXES ARISING BY MEANS OF A DEFECTIVE CONSTABLE, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-ONE; AND ALSO FOR ASSESSING THE TOWN OF CHELSEA THE SUM OF SEVENTY-ONE POUNDS NINETEEN SHILLINGS AND ONE PENNY, ARISING BY MEANS OF A DEFECTIVE CONSTABLE, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND FORTY-NINE; AND ALSO, FOR ASSESSING THE TOWN OF MIDDLEBOROUGH THE SUM OF SIXTY-EIGHT POUNDS FOUR SHILLINGS AND EIGHTPENCE, ARISING BY MEANS OF A DEFECTIVE CONSTABLE, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-TWO; AND ALSO, FOR ASSESSING THE DISTRICT OF SOUTH HADLEY THE SUM OF THIRTEEN POUNDS SEVEN SHILLINGS AND FIVEPENCE, PAID OUT OF THE PUBLICK TREASURY TO A COMMITTEE SENT THERE BY THE GENERAL COURT; AND ALSO, FOR ASSESSING THE DISTRICT OF SOUTH BRIMFIELD THE SUM OF FOUR POUNDS FOUR SHILLINGS, PAID OUT OF THE PUBLICK TREASURY TO A COMMITTEE SENT THERE BY THE GENERAL COURT; AS ALSO, FOR ASSESSING GREAT BARRINGTON THE SUM OF THREE POUNDS AND THREEPENCE, PAID JOSEPH HAWLEY, ESQ., SENT THERE BY ORDER OF THE GENERAL COURT; AND ALSO, FOR ASSESSING THE SEVERAL TOWNS IN THE COUNTY OF HAMPSHIRE THE SUM OF ELEVEN POUNDS TEN SHILLINGS, PAID OUT OF THE PUBLICK TREASURY TO A COMMITTEE SENT TO THE TOWN OF WESTFIELD; AND ALSO, FOR ASSESSING SUNDRY TOWNS IN THE COUNTY OF WORCESTER THE SUM OF ONE HUNDRED AND SIXTY-SEVEN POUNDS THREE SHILLINGS AND FOURPENCE, ABATED UPON THE TOWN OF WINCHENDON; AND ALSO, FOR ASSESSING UPON SEVERAL TOWNS AND DISTRICTS THE SUM OF THIRTY-SIX POUNDS NINE SHILLINGS AND ELEVENPENCE, PAID OUT OF THE PUBLICK TREASURY FOR THE SUPPORT OF FRENCH NEUTRALS; ALL WHICH SUMS AMOUNT TO FORTY-THREE THOUSAND FIVE HUNDRED AND EIGHTY-FIVE POUNDS AND FOURPENCE.

1766-67, chap. 3, § 4.

WHEREAS the great and general court or assembly of this province, by an act made and passed at their sessions in May, one thousand seven hundred and sixty-six, on the grant of the house of representatives, agreed upon and ordered a tax of one hundred and fifty-seven thousand pounds; *and whereas* by the act aforesaid provision is made that the general court, at their present session, might apportion the same on the several towns, districts, parishes and places within this province, if they should think fit; yet inasmuch as such a heavy tax will be extremely burthensome to the inhabitants of this province, under their present distressed circumstances, and as some of the possessors of the government securities, for the redemption of which the aforesaid sum of one hundred and fifty-seven thousand pounds is applied, are willing to continue their money, upon loan, payable at a further period, which, with the tax of forty thousand pounds now agreed to be assessed and levied this year, will be sufficient to redeem the government securities, with the interest thereon, which will become due in June, one thousand seven hundred and sixty-eight; wherefore, for the ordering, directing and effectually drawing in the sum of forty-three thousand five hundred and eighty-five pounds and fourpence, and to the end that the same may be apportioned, assessed and levied in the easiest manner we are able, for the benefit of his majesty's subjects, and also that his majesty's government within this province may have the better and more speedy effect of said grant, we, his majesty's most

loyal and dutiful subjects, the representatives in general court assembled, pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That each town, district, parish or other place within this province, be assessed and pay, as such town, district, parish and place's proportion of the sum of forty-three thousand five hundred and eighty-five pounds and fourpence, the several sums following; that is to say,—

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Boston	£89 15s. 0d.	£4,517 5s. 4d.	Four thousand six hundred and seven pounds and fourpence	£4,607 0s. 4d.
Roxbury	11 5 0	490 13 4	Five hundred and one pounds eighteen shillings and fourpence	501 18 4
Dorchester	22 10 0	303 13 4	Three hundred and twenty-six pounds three shillings and fourpence	326 3 4
Milton	27 0 0	201 13 4	Two hundred and twenty-eight pounds thirteen shillings and fourpence	228 13 4
Braintree	27 5 0	390 16 8	Four hundred and eighteen pounds one shilling and eightpence	418 1 8
Weymouth	27 0 0	197 13 8	Two hundred and twenty-four pounds thirteen shillings and eightpence	224 13 8
Hingham	28 15 0	401 1 10	Four hundred and twenty-nine pounds sixteen shillings and tenpence	429 16 10
Dedham	28 5 0	344 0 0	Three hundred and seventy-two pounds five shillings	372 5 0
Medfield	26 15 0	157 3 4	One hundred and eighty-three pounds eighteen shillings and fourpence	183 18 4
Wrentham	27 15 0	300 18 5	Three hundred and twenty-eight pounds thirteen shillings and fivepence	328 13 5
Brookline	0 0 0	135 7 6	One hundred and thirty-five pounds seven shillings and sixpence	135 7 6
Needham	23 0 0	135 12 5	One hundred and fifty-eight pounds twelve shillings and fivepence	158 12 5
Stoughton	19 1 0	181 19 7	Two hundred and one pounds and sevenpence	201 0 7
Stoughtonham District	9 4 0	87 12 2	Ninety-seven pounds one shilling and twopence	97 1 2
Medway	26 0 0	110 16 8	One hundred and thirty-six pounds sixteen shillings and eightpence	136 16 8
Bellingham	0 0 0	67 3 4	Sixty-seven pounds three shillings and fourpence	67 3 4
Hull	0 0 0	38 16 6	Thirty-eight pounds sixteen shillings and sixpence	38 16 6
Walpole	0 0 0	118 0 0	One hundred and eighteen pounds	118 0 0
Chelsea	22 10 0	179 2 5	Two hundred and one pounds twelve shillings and fivepence	201 12 5
	£416 0s. 0d.	£8,359 14s. 10d.	Eight thousand seven hundred and seventy-five pounds fourteen shillings and tenpence	£8,775 14s. 10d.

IN THE COUNTY OF ESSEX.

Salem	£36 10s. 0d.	£747 16s. 8d.	Seven hundred and eighty-four pounds six shillings and eightpence	£784 6s. 8d.
Danvers	27 15 0	330 16 8	Three hundred and fifty-eight pounds eleven shillings and eightpence	358 11 8
Ipswich	27 5 0	740 13 4	Seven hundred and sixty-seven pounds eighteen shillings and fourpence	767 18 4
Newbury	30 15 0	642 4 11¾	Six hundred and seventy-two pounds nineteen shillings and elevenpence three farthings	672 19 11¾
Newburyport	26 5 0	513 8 4¼	Five hundred and thirty-nine pounds thirteen shillings and fourpence one farthing	539 13 4¼

Marblehead	43	10	0	657	6	8	Seven hundred pounds sixteen shillings and eightpence	700	16	8
Lynn	27	15	0	318	6	8	Three hundred and forty-six pounds one shilling and eightpence	346	1	8
Andover	26	15	0	503	10	0	Five hundred and thirty pounds five shillings	530	5	0
Beverly	28	15	0	313	6	8	Three hundred and forty-two pounds one shilling and eightpence	342	1	8
Rowley	30	5	0	309	16	8	Three hundred and forty pounds one shilling and eightpence	340	1	8
Salisbury	29	0	0	240	3	4	Two hundred and sixty-nine pounds three shillings and fourpence	269	3	4
Haverhill	24	0	0	384	13	4	Four hundred and eight pounds thirteen shillings and fourpence	408	13	4
Glocester	25	15	0	482	3	4	Five hundred and seven pounds eighteen shillings and fourpence	507	18	4
Topsfield	30	10	0	135	10	0	One hundred and sixty-six pounds	166	0	0
Boxford	29	5	0	162	13	4	One hundred and ninety-one pounds eighteen shillings and fourpence	191	18	4
Almsbury	31	15	0	245	0	0	Two hundred and seventy-six pounds fifteen shillings	276	15	0
Bradford	0	0	0	180	16	8	One hundred and eighty pounds sixteen shillings and eightpence	180	16	8
Wenham	0	0	0	99	16	8	Ninety-nine pounds sixteen shillings and eightpence	99	16	8
Middleton	0	0	0	116	0	0	One hundred and sixteen pounds	116	0	0
Manchester	0	0	0	84	16	8	Eighty-four pounds sixteen shillings and eightpence	84	16	8
Methuen	0	0	0	130	16	8	One hundred and thirty pounds sixteen shillings and eightpence	130	16	8
	£475	15*s.*	0*d.*	£7,339	16*s.*	8*d.*	Seven thousand eight hundred and fifteen pounds eleven shillings and eightpence	£7,815	11*s.*	8*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge	£19	15*s.*	0*d.*	£361	13*s.*	4*d.*	Three hundred and eighty-one pounds eight shillings and fourpence	£381	8*s.*	4*d.*
Charlestown	23	5	0	354	3	4	Three hundred and seventy-seven pounds eight shillings and fourpence	377	8	4
Watertown	27	10	0	145	10	0	One hundred and seventy-three pounds	173	0	0
Woburn	26	15	0	263	17	6	Two hundred and ninety pounds twelve shillings and sixpence	290	12	6
Concord	28	10	0	239	16	8	Two hundred and sixty-eight pounds six shillings and eightpence	268	6	8
Newton	25	5	0	247	6	8	Two hundred and seventy-two pounds eleven shillings and eightpence	272	11	8
Reading	21	15	0	262	6	8	Two hundred and eighty-four pounds one shilling and eightpence	284	1	8
Marlborough	15	10	0	294	6	8	Three hundred and nine pounds sixteen shillings and eightpence	309	16	8
Billerica	25	15	0	194	19	6	Two hundred and twenty pounds fourteen shillings and sixpence	220	14	6
Framingham	28	5	0	225	10	0	Two hundred and fifty-three pounds fifteen shillings	253	15	0
Lexington	27	0	0	163	10	0	One hundred and ninety pounds ten shillings	190	10	0
Chelmsford	28	0	0	169	0	0	One hundred and ninety-seven pounds	197	0	0
Sherburne	20	5	0	106	0	0	One hundred and twenty-six pounds five shillings	126	5	0
Sudbury	27	15	0	296	10	0	Three hundred and twenty-four pounds five shillings	324	5	0
Malden	21	0	0	143	0	0	One hundred and sixty-four pounds	164	0	0
Weston	27	5	0	146	0	0	One hundred and seventy-three pounds five shillings	173	5	0

IN THE COUNTY OF MIDDLESEX—*Continued.*

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Medford	£21 15*s.* 0*d.*	£170 7*s.* 8*d.*	One hundred and ninety-two pounds two shillings and eightpence	£192 2*s.* 8*d.*
Littleton	29 0 0	128 6 8	One hundred and fifty-seven pounds six shillings and eightpence	157 6 8
Hopkinston	0 0 0	131 6 8	One hundred and thirty-one pounds six shillings and eightpence	131 6 8
Westford	25 5 0	153 16 8	One hundred and seventy-nine pounds one shilling and eightpence	179 1 8
Shirley	4 3 7	48 10 10	Fifty-two pounds fourteen shillings and fivepence	52 14 5
Waltham	27 10 0	135 10 0	One hundred and sixty-three pounds	163 0 0
Townshend	0 0 0	64 6 8	Sixty-four pounds six shillings and eightpence	64 6 8
Stow	28 15 0	113 9 3½	One hundred and forty-two pounds four shillings and threepence halfpenny	142 4 3½
Stoneham	0 0 0	59 6 8	Fifty-nine pounds six shillings and eightpence	59 6 8
Groton	17 0 3	197 13 4	Two hundred and fourteen pounds thirteen shillings and sevenpence	214 13 7
Wilmington	0 0 0	103 16 1	One hundred and three pounds sixteen shillings and one penny	103 16 1
Natick	0 0 0	58 1 0	Fifty-eight pounds one shilling	58 1 0
Dracut	0 0 0	87 10 0	Eighty-seven pounds ten shillings	87 10 0
Bedford	0 0 0	78 0 6	Seventy-eight pounds and sixpence	78 0 6
Holliston	0 0 0	99 6 8	Ninety-nine pounds six shillings and eightpence	99 6 8
Tewksbury	0 0 0	109 13 4	One hundred and nine pounds thirteen shillings and fourpence	109 13 4
Acton	0 0 0	92 16 8	Ninety-two pounds sixteen shillings and eightpence	92 16 8
Dunstable	0 0 0	93 0 0	Ninety-three pounds	93 0 0
Pepperrel	6 6 2	73 6 8	Seventy-nine pounds twelve shillings and tenpence	79 12 10
Lincoln	28 0 0	100 0 0	One hundred and twenty-eight pounds	128 0 0
Ashby	0 0 0	0 0 0	– – – – – – –	0 0 0
	£581 5*s.* 0*d.*	£5,711 19*s.* 8½*d.*	Sixty-two hundred and ninety-three pounds four shillings and eightpence two farthings	£6,293 4*s.* 8½*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield	£20 17*s.* 3*d.*	£440 18*s.* 5¼*d.*	Four hundred and sixty-one pounds fifteen shillings and eightpence one farthing	£461 15*s.* 8¼*d.*
Northampton	28 3 3	228 7 3¾	Two hundred and fifty-six pounds ten shillings and sixpence three farthings	256 10 6¾
Southampton	6 11 9	53 10 7	Sixty pounds two shillings and fourpence	60 2 4
Hadley	11 9 0	103 17 8	One hundred and fifteen pounds six shillings and eightpence	115 6 8
South Hadley	12 1 0	122 12 2	One hundred and thirty-four pounds thirteen shillings and twopence	134 13 2
Amherst	8 5 0	76 2 3	Eighty-four pounds seven shillings and threepence	84 7 3

Hatfield	8	5	0	152	1	11	One hundred and sixty pounds six shillings and elevenpence	160	6	11
Westfield	22	0	0	177	3	8	One hundred and ninety-nine pounds three shillings and eightpence	199	3	8
Deerfield	10	1	6	105	3	0	One hundred and fifteen pounds four shillings and sixpence	115	4	6
Greenfield	2	18	6	39	2	8	Forty-two pounds one shilling and twopence	42	1	2
Sunderland	6	8	6	66	11	7	Seventy-three pounds and one penny	73	0	1
Montague	4	11	6	47	6	10	Fifty-one pounds eighteen shillings and fourpence	51	18	4
Northfield	0	0	0	63	14	9	Sixty-three pounds fourteen shillings and ninepence	63	14	9
Brimfield	3	13	2	104	7	8	One hundred and eight pounds and tenpence	108	0	10
South Brimfield	2	4	0	68	1	9	Seventy pounds five shillings and ninepence	70	5	9
Monson	1	7	10	38	1	5	Thirty-nine pounds nine shillings and threepence	39	9	3
Pelham	0	0	0	75	5	7	Seventy-five pounds five shillings and sevenpence	75	5	7
Greenwich	0	0	0	58	11	0	Fifty-eight pounds eleven shillings	58	11	0
Blanford	0	0	0	49	7	1	Forty-nine pounds seven shillings and one penny	49	7	1
Palmer	0	0	0	75	9	1	Seventy-five pounds nine shillings and one penny	75	9	1
Granville	0	0	0	88	19	11	Eighty-eight pounds nineteen shillings and elevenpence	88	19	11
New Salem	0	0	0	52	14	8	Fifty-two pounds fourteen shillings and eightpence	52	14	8
Belcher'stown	0	0	0	45	6	8	Forty-five pounds six shillings and eightpence	45	6	8
Colrain	0	0	0	31	12	4	Thirty-one pounds twelve shillings and fourpence	31	12	4
Ware	0	0	0	19	14	9	Nineteen pounds fourteen shillings and ninepence	19	14	9
Enfield	0	0	0	170	13	0	One hundred and seventy pounds thirteen shillings	170	13	0
Somers	0	0	0	130	5	1	One hundred and thirty pounds five shillings and one penny	130	5	1
Roxbury-Canada	0	0	0	0	0	0	– – – – – –	0	0	0
Bernardston	0	0	0	10	6	9	Ten pounds six shillings and ninepence	10	6	9
Charlemont	0	0	0	4	0	4	Four pounds and fourpence	4	0	4
Shutesbury	0	0	0	29	12	2	Twenty-nine pounds twelve shillings and twopence	29	12	2
Chesterfield	0	0	0	4	0	4	Four pounds and fourpence	4	0	4
Suffield	0	0	0	291	13	4	Two hundred and ninety-one pounds thirteen shillings and fourpence	291	13	4
Willbraham	3	2	9	66	2	10	Sixty-nine pounds five shillings and sevenpence	69	5	7
Ashfield	0	0	0	7	4	6	Seven pounds four shillings and sixpence	7	4	6
	£152	0*s.*	0*d.*	£3,098	3*s.*	1*d.*	Three thousand two hundred and fifty pounds three shillings and one penny	£3,250	3*s.*	1*d.*

IN THE COUNTY OF BERKSHIRE.

Sheffield	£14	11*s.*	3*d.*	£132	5*s.*	0*d*	One hundred and forty-six pounds sixteen shillings and threepence	£146	16*s.*	3*d.*
Great Barrington	3	12	9	79	5	3	Eighty-two pounds eighteen shillings	82	18	0
Egremont	4	6	0	48	10	0	Fifty-two pounds sixteen shillings	52	16	0
Stockbridge	0	0	0	28	18	4	Twenty-eight pounds eighteen shillings and fourpence	28	18	4
Pittsfield	11	5	0	29	10	0	Forty pounds fifteen shillings	40	15	0

IN THE COUNTY OF BERKSHIRE—*Continued.*

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
New Marlborough	£0 0s. 0d.	£45 1s. 8d.	Forty-five pounds one shilling and eightpence	£45 1s. 8d.
Richmont	0 0 0	4 1 0¼	Four pounds one shilling and one farthing	4 1 0¼
Tyringham	18 15 0	31 10 0	Fifty pounds five shillings	50 5 0
Lanesborough	0 0 0	8 0 0	Eight pounds	8 0 0
Sandisfield	0 0 0	31 10 0	Thirty-one pounds ten shillings	31 10 0
Williamstown	0 0 0	8 0 0	Eight pounds	8 0 0
Becket	0 0 0	8 0 0	Eight pounds	8 0 0
Lenox	0 0 0	1 8 11¾	One pound eight shillings elevenpence three farthings	1 8 11¾
	£52 10s. 0d.	£456 0s. 3d.	Five hundred and eight pounds ten shillings and threepence	£508 10s. 3d.

IN THE COUNTY OF WORCESTER.

Worcester	£13 10s. 0d.	£257 18s. 3d.	Two hundred and seventy-one pounds eight shillings and threepence	£271 8s. 3d.
Lancaster	29 5 0	302 18 1	Three hundred and thirty-two pounds three shillings and one penny	332 3 1
Mendon	30 15 0	243 10 1	Two hundred and seventy-four pounds five shillings and one penny	274 5 1
Woodstock	0 0 0	317 5 0	Three hundred and seventeen pounds five shillings and one penny	317 5 1
Brookfield	31 10 0	221 5 0	Two hundred and fifty-two pounds fifteen shillings	252 15 0
Oxford	21 2 6	133 18 6	One hundred and fifty-five pounds one shilling	155 1 0
Charlton	6 17 6	46 16 11	Fifty-three pounds fourteen shillings and fivepence	53 14 5
Sutton	30 15 0	255 13 10	Two hundred and eighty-six pounds eight shillings and tenpence	286 8 10
Rutland	10 0 0	129 11 9¼	One hundred and thirty-nine pounds eleven shillings and ninepence one farthing	139 11 9¼
Oakham	1 17 0	24 11 4½	Twenty-six pounds eight shillings and fourpence one farthing	26 8 4½
District of Rutland,	6 3 0	82 4 9	Eighty-eight pounds seven shillings and ninepence	88 7 9
Hubbardston	1 0 0	18 5 2	Nineteen pounds five shillings and twopence	19 5 2
New Braintree	0 0 0	68 6 9	Sixty-eight pounds six shillings and ninepence	68 6 9
Leicester	15 4 8	124 10 8	One hundred and thirty-nine pounds fifteen shillings and fourpence	139 15 4
District of Spencer,	9 1 9	74 5 1	Eighty-three pounds six shillings and tenpence	83 6 10
District of Paxton	7 13 7	62 8 7	Seventy pounds two shillings and twopence	70 2 2
Southborough	28 5 0	117 11 8	One hundred and forty-five pounds sixteen shillings and eightpence	145 16 8
Westborough	19 9 2	116 8 2	One hundred and thirty-five pounds seventeen shillings and fourpence	135 17 4
Northborough	11 5 10	69 10 10	Eighty pounds sixteen shillings and eightpence	80 16 8
Shrewsbury	27 5 0	215 1 4	Two hundred and forty-two pounds six shillings and fourpence	242 6 4

Lunenburg	21	2	4	140	19	7	One hundred and sixty-two pounds one shilling and elevenpence	162	1	11
Fitchburg	5	7	8	32	10	0	Thirty-seven pounds seventeen shillings and eightpence	37	17	8
Uxbridge	31	5	0	154	13	0	One hundred and eighty-five pounds eighteen shillings	185	18	0
Harvard	30	0	0	139	11	6	One hundred and sixty-nine pounds eleven shillings and sixpence	169	11	6
Dudley	0	0	0	87	6	8	Eighty-seven pounds six shillings and eightpence	87	6	8
Bolton	27	2	6	132	18	4	One hundred and sixty pounds and tenpence	160	0	10
Upton	0	0	0	58	12	0	Fifty-eight pounds twelve shillings	58	12	0
Sturbridge	27	5	0	97	13	6	One hundred and twenty-four pounds eighteen shillings and sixpence	124	18	6
Leominster	0	0	0	87	10	0	Eighty-seven pounds ten shillings	87	10	0
Hardwick	28	15	0	110	8	4	One hundred and thirty-nine pounds three shillings and fourpence	139	3	4
Holden	0	0	0	62	10	10	Sixty-two pounds ten shillings and tenpence	62	10	10
Western	0	0	0	83	6	8	Eighty-three pounds six shillings and eightpence	83	6	8
Douglass	0	0	0	41	0	6	Forty-one pounds and sixpence	41	0	6
Grafton	30	15	0	112	3	4	One hundred and forty-two pounds eighteen shillings and fourpence	142	18	4
Petersham	0	0	0	91	4	0	Ninety-one pounds four shillings	91	4	0
Westminster	0	0	0	63	6	7	Sixty-three pounds six shillings and sevenpence	63	6	7
Athol	0	0	0	32	15	4	Thirty-two pounds fifteen shillings and fourpence	32	15	4
Templeton	0	0	0	20	10	0	Twenty pounds ten shillings	20	10	0
Princetown	0	0	0	30	15	0	Thirty pounds fifteen shillings	30	15	0
Ashburnham	0	0	0	23	13	4	Twenty-three pounds thirteen shillings and fourpence	23	13	4
Winchendon	0	0	0	19	13	4	Nineteen pounds thirteen shillings and fourpence	19	13	4
	£502	12*s.*	6*d.*	£4,505	3*s.*	8½*d.*	Five thousand and seven pounds sixteen shillings and twopence *	£5,007	16*s.*	2½*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth	£14	0*s.*	0*d.*	£258	3*s.*	4*d.*	Two hundred and seventy-two pounds three shillings and fourpence	£272	3*s.*	4*d.*
Scituate	28	0	0	422	3	4	Four hundred and fifty pounds three shillings and fourpence	450	3	4
Duxbury	0	0	0	142	16	8	One hundred and forty-two pounds sixteen shillings and eightpence	142	16	8
Marshfield	24	10	0	192	13	4	Two hundred and seventeen pounds three shillings and fourpence	217	3	4
Bridgwater	27	15	0	531	13	4	Five hundred and fifty-nine pounds eight shillings and fourpence	559	8	4
Middleborough	28	0	0	457	1	2	Four hundred and eighty-five pounds one shilling and twopence	485	1	2
Rochester	15	0	0	241	5	0	Two hundred and fifty-six pounds five shillings	256	5.	0
Plympton	30	10	0	155	6	8	One hundred and eighty-five pounds sixteen shillings and eightpence	185	16	8
Pembroke	27	5	0	187	3	4	Two hundred and fourteen pounds eight shillings and fourpence	214	8	4
Kingston	11	0	0	109	0	0	One hundred and twenty pounds	120	0	0
Hanover	0	0	0	109	16	8	One hundred and nine pounds sixteen shillings and eightpence	109	16	8
Abington	26	15	0	142	10	0	One hundred and sixty-nine pounds five shillings	169	5	0
Halifax	0	0	0	77	5	0	Seventy-seven pounds five shillings	77	5	0
Warham	0	0	0	50	10	0	Fifty pounds ten shillings	50	10	0
	£232	15*s.*	0*d.*	£3,077	7*s.*	10*d.*	Three thousand three hundred and ten pounds two shillings and tenpence	£3,310	2*s.*	10*d.*

* *Sic.*

IN THE COUNTY OF BARNSTABLE.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Barnstable	£11 10*s.* 0*d.*	£255 6*s.* 8*d.*	Two hundred and sixty-six pounds sixteen shillings and eightpence	£266 16*s.* 8*d.*
Sandwich	19 10 0	223 13 4	Two hundred and forty-three pounds three shillings and fourpence	243 3 4
Yarmouth	21 5 0	198 16 8	Two hundred and twenty pounds one shilling and eightpence	220 1 8
Eastham	11 14 5	139 16 4	One hundred fifty-one pounds ten shillings and ninepence	151 10 9
Harwich	21 15 0	159 10 0	One hundred and eighty-one pounds five shillings	181 5 0
Chatham	0 0 0	113 2 4	One hundred and thirteen pounds two shillings and fourpence	113 2 4
Truro	0 0 0	92 14 2	Ninety-two pounds fourteen shillings and twopence	92 14 2
Falmouth	9 5 0	144 13 6	One hundred and fifty-three pounds eighteen shillings and sixpence	153 18 6
Wellfleet	6 0 7	72 3 8	Seventy-eight pounds four shillings and threepence	78 4 3
	£101 0*s.* 0*d.*	£1,399 16*s.* 8*d.*	Fifteen hundred pounds sixteen shillings and eightpence	£1,500 16*s.* 8*d.*

IN THE COUNTY OF BRISTOL.

Taunton	£30 15*s.* 0*d.*	£363 13*s.* 4*d.*	Three hundred and ninety-four pounds eight shillings and fourpence	£394 8*s.* 4*d.*
Rehoboth	30 17 6	426 6 8	Four hundred and fifty-seven pounds four shillings and twopence	457 4 2
Swanzey with Shawamet	29 15 0	318 15 0	Three hundred and forty-eight pounds ten shillings	348 10 0
Dartmouth	31 15 0	686 10 10	Seven hundred and eighteen pounds five shillings and tenpence	718 5 10
Norton	26 10 0	244 14 2	Two hundred and seventy-one pounds four shillings and twopence	271 4 2
Attleborough	30 0 0	229 4 11	Two hundred and fifty-nine pounds four shillings and elevenpence	259 4 11
Dighton	23 7 6	157 10 0	One hundred and eighty pounds seventeen shillings and sixpence	180 17 6
Freetown	26 5 0	160 19 2	One hundred and eighty-seven pounds four shillings and twopence	187 4 2
Raynham	0 0 0	81 5 0	Eighty-one pounds five shillings	81 5 0
Easton	0 0 0	103 12 2	One hundred and three pounds twelve shillings and twopence	103 12 2
Berkley	0 0 0	89 10 0	Eighty-nine pounds ten shillings	89 10 0
	£229 4*s.* 0*d.*	£2,862 1*s.* 3*d.*	Three thousand and ninety-one pounds six shillings and threepence	£3,091 6*s.* 3*d.*

IN THE COUNTY OF YORK.

York	£30	10s.	0d.	£366	16s.	8d.	Three hundred and ninety-seven pounds six shillings and eightpence	£397	6s. 8d.
Kittery	20	7	6	381	9	2	Four hundred and one pounds sixteen shillings and eightpence	401	16 8
Wells	31	0	0	194	0	0	Two hundred and twenty-five pounds	225	0 0
Berwick	18	0	0	301	10	0	Three hundred and nineteen pounds ten shillings	319	10 0
Arundell	10	0	0	99	13	4	One hundred and nine pounds thirteen shillings and fourpence	109	13 4
Biddeford	7	15	0	108	9	10	One hundred and sixteen pounds four shillings and tenpence	116	4 10
District of Pepperrellborough	0	0	0	75	7	0	Seventy-five pounds seven shillings	75	7 0
Narraganset Number One	0	0	0	23	13	4	Twenty-three pounds thirteen shillings and fourpence	23	13 4
	£117	12s.	6d.	£1,550	19s.	4d.	Sixteen hundred and sixty-eight pounds eleven shillings and tenpence	£1,668	11s. 10d.

IN THE COUNTY OF CUMBERLAND.

Falmouth	£24	9s.	3d.	£353	13s.	7d.	Three hundred and seventy-eight pounds two shillings and tenpence	£378	2s. 10d.
Cape Elizabeth	13	15	9	198	14	11	Two hundred and twelve pounds ten shillings and eightpence	212	10 8
North Yarmouth	0	0	0	98	10	10	Ninety-eight pounds ten shillings and tenpence	98	10 10
Scarborough	26	5	0	211	5	2	Two hundred and thirty-seven pounds ten shillings and twopence	237	10 2
Brunswick	0	0	0	87	15	0	Eighty-seven pounds fifteen shillings	87	15 0
Harpswell	0	0	0	66	0	10	Sixty-six pounds and tenpence	66	0 10
Gorham	0	0	0	39	7	6	Thirty-nine pounds seven shillings and sixpence	39	7 6
Windham	0	0	0	19	13	4	Nineteen pounds thirteen shillings and fourpence	19	13 4
Piersontown	0	0	0	0	0	0	– – – – – – –	0	0 0
	£64	10s.	0d.	£1,075	1s.	2d.	Eleven hundred and thirty-nine pounds eleven shillings and twopence	£1,139	11s. 2d.

IN THE COUNTY OF LINCOLN.

Pownallborough	£0	0s.	0d.	£75	12s.	6d.	Seventy-five pounds twelve shillings and sixpence	£75	12s. 6d.
Georgetown	0	0	0	134	0	0	One hundred and thirty-four pounds	134	0 0
Newcastle	0	0	0	54	16	8	Fifty-four pounds sixteen shillings and eightpence	54	16 8
Topsham	0	0	0	34	0	0	Thirty-four pounds	34	0 0
Woolwich	0	0	0	49	4	2	Forty-nine pounds four shillings and twopence	49	4 2
	£0	0s.	0d.	£347	13s.	4d.	Three hundred and forty-seven pounds thirteen shillings and fourpence	£347	13s. 4d.

IN THE COUNTY OF DUKES COUNTY.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Edgartown	£16 5s. 0d.	£108 0s. 0d.	One hundred and twenty-four pounds five shillings	£124 5s. 0d.
Chilmark	37 15 0	115 10 10	One hundred and fifty-three pounds five shillings and tenpence	153 5 10
Tisbury	10 5 0	78 10 0	Eighty-eight pounds fifteen shillings	88 15 0
	£64 5s. 0d.	£302 0s. 10d.	Three hundred and sixty-six pounds five shillings and tenpence	£366 5s. 10d.

IN THE COUNTY OF NANTUCKET.

Sherburne	£37 5s. 0d.	£472 6s. 8d.	Five hundred and nine pounds eleven shillings and eightpence	£509 11s. 8d.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Suffolk	£416 0s. 0d.	£8,359 14s. 10d.	Eight thousand seven hundred and seventy-five pounds fourteen shillings and tenpence	£8,775 14s. 10d.
Essex	475 15 0	7,339 16 8	Seven thousand eight hundred and fifteen pounds eleven shillings and eightpence	7,815 11 8
Middlesex	581 5 0	5,711 19 8½	Six thousand two hundred and ninety-three pounds four shillings and eightpence halfpenny	6,293 4 8½
Hampshire	152 0 0	3,098 3 1	Three thousand two hundred and fifty pounds three shillings and one penny	3,250 3 1
Berkshire	52 10 0	456 0 3	Five hundred and eight pounds ten shillings and threepence	508 10 3
Worcester	502 12 6	4,505 3 8½	Five thousand and seven pounds sixteen shillings and twopence halfpenny	5,007 16 2½
Plymouth	232 15 0	3,077 7 10	Three thousand three hundred and ten pounds two shillings and tenpence	3,310 2 10
Barnstable	101 0 0	1,399 16 8	Fifteen hundred pounds sixteen shillings and eightpence	1,500 16 8
Bristol	229 5 0	2,862 1 3	Three thousand and ninety-one pounds six shillings and threepence	3,091 6 3
York	117 12 6	1,550 19 4	Sixteen hundred and sixty-eight pounds eleven shillings and tenpence	1,668 11 10
Cumberland	64 10 0	1,075 1 2	Eleven hundred and thirty-nine pounds eleven shillings and twopence	1,139 11 2
Lincoln	0 0 0	347 13 4	Three hundred and forty-seven pounds thirteen shillings and fourpence	347 13 4
Dukes-County	64 5 0	302 0 10	Three hundred and sixty-six pounds five shillings and tenpence	366 5 10
Nantucket	37 5 0	472 6 8	Five hundred and nine pounds eleven shillings and eightpence	509 11 8
	£3,026 15s. 0d.	£40,558 5s. 4d.	Forty-three thousand five hundred and eighty-five pounds and fourpence	£43,585 0s. 4d.

And be it further enacted,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at five shillings and fourpence, and proportionably in assessing the additional sum paid out of the treasury to the representatives, for their travel and attendance aforesaid (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls or estate, or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

Treasurer to issue his warrant to the selectmen or assessors.

Rules for assessment.

[Sect. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to the province rate; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade, faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profit, in their improvement, at twelvepence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making the said assessment, to estimate houses and lands at six years' yearly rent whereat the same may be reasonably set or let for in the place where they lye: *saving* all agreements between landlord and tenant, and where no agreement is, the landlord to reimburse one-half of the tax set upon such houses and lands (new cleared lands for tillage not to be rated until the first crop be taken off); and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment or discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old and upwards, at three shillings each; the several creatures above mentioned to be taxed to their respective owners or occupants, by the assessors of the town in which the owners or occupants dwell: likewise requiring the assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty, and if as guardians, or for any estate, in his or her improvement, in trust, to be distinctly

Lists to be committed to constables or collectors.

expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector, or constable or constables of any such town, district, parish or other place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, some time before the last day of November next.

Treasurer to issue his warrants to constables or collectors.

[SECT. 4.] And the treasurer, for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector, or constable or constables of such town, district, parish or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and issue their accompts of the whole, at or before the thirtieth day of March, which will be in the year of our Lord one thousand seven hundred and sixty-eight.

And be it further enacted,

Notice to be given to the inhabitants to bring in a true list of polls, and estate in possession, the first day of September.

[SECT. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making of the assessment, shall give seasonable warning to the inhabitants, in a town-meeting or by posting up notifications in some place or places in such town, district, parish or place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls and rateable estate they shall be possessed of on the first day of September next, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid into the town, district or parish treasury, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize into the same, and by reason that the tax or rate of the town where they came to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government,—

Be it therefore enacted,

Transient traders to be rated.

[Sect. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected, as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[Sect. 8.] That when any merchant, trader or factor, shall set up a store, and traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are impowered to rate and assess all such merchants, traders and factors, their goods and merchandize, for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions in this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[Sect. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residents in other towns than those where they carry on their trade, and pay the same.

And whereas it has been the practice of some of the inhabitants of the town of Boston to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of the said town,—

Be it therefore enacted,

Inhabitants of Boston who remove out of town, and return in a year, to pay their taxes in said town.

[Sect. 10.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in the said town, shall be subject to pay said taxes, in like manner as he would have been had he not have removed from said Boston (*saving* so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding.

And be it further enacted,

Inhabitants of Ashby to pay taxes in the several towns from whence it was set off.

[Sect. 11.] That the inhabitants of the town of Ashby, in the county of Middlesex, shall, the present year, pay province and county taxes in the several towns from whence it was set off, said town of Ashby not having certified this court the proportion of taxes they paid in the said town the last year; and the assessors and collectors or constables of the several towns from whence said town of Ashby was taken, are hereby impowered to assess and collect the same. [*Passed June* 23.

CHAPTER 9.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, AND NEAR EXPIRING.

Acts revived.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz., two acts made in the thirteenth year of the reign of King George the Second; one, intitled "An Act for the effectual preventing of horses and

For preventing

horses, &c., feeding on Plumb Island. 1739-40, chap. 8.
Ditto, in Provincetown. 1740-41, ch. 15.
For regulating assize of cask.
Ditto, of measuring grain. 1742-43, ch. 4.
For preventing damage to Billingsgate Bay. 1742-43, ch. 11.
Preventing lawsuits. 1742-43, ch. 25.
Regulating townships. 1742-43, ch. 28.
Preventing mischief by unruly dogs in Nantucket. 1743-44, ch. 6.
Preventing destruction of white-pine trees. 1743-44, ch. 14.
Preventing damage to Cape Cod Harbor. 1744-45, ch. 27.
Ditto, Nosset Meadow. 1746-47, ch. 27.
Providing for ministers in new plantations. 1750-51, ch. 21.
Regulating fences. 1750-51, ch. 22.
Empowering proprietors of a meeting-house in Salem. 1753-54, ch. 14.
Securing the growth of wood at Ipswich and Wenham. 1754-55, ch. 21.
Preventing damage to the beaches, &c., at Scituate. 1755-56, ch. 9.
Regulating judicial proceedings, 1756-57, ch. 28.
Preventing damage on Barnstable Meadows, &c. 1757-58, ch. 5.
Regulating Indians. 1758-59, ch. 6.
Preventing fraud in cord-wood. 1758-59, ch. 16.
Regulating fences. 1758-59, ch. 33.
Preventing damage at Monument Ponds. 1759-60, ch. 38.
Preventing the stealing of sheep at Martha's Vineyard. 1760-61, ch. 35.

neat cattle, sheep and swine, from running at large or feeding upon a certain island called Plumb Island, lying in Ipswich Bay, in the county of Essex;" the other, intitled "An Act to prevent damage being done to the harbour of Cape Cod, by cattle and horse-kind feeding on Provincetown lands;" four acts made the sixteenth year of the said reign; one, intitled "An Act in addition to and for rendering more effectual an act for the regulating the assize of cask, and preventing deceit in packing of fish, beef and pork, for sale, made in the fourth year of the reign of King William and Queen Mary, and also for preventing fraud and injustice in the measuring of grain;" another act, intitled "An Act to prevent damage being done unto Billingsgate Bay, in the town of Eastham, by cattle and horse-kind and sheep feeding on the beach and island adjoining thereto;" another act, intitled "An Act to prevent the multiplicity of lawsuits;" another act, intitled "An Act in further addition to and explanation of an act, intitled 'An Act for regulating townships, choice of town officers, &c.;'" two acts made in the seventeenth year of the same reign; one act, intitled "An Act for preventing mischief by unruly dogs in the island of Nantucket;" the other act, intitled "An Act for preventing the destruction of white-pine trees within this province, and for encouraging the preservation of them for the use of the royal navy;" an act made in the eighteenth year of the same reign, intitled "An Act in addition to the act for preventing damage to the harbour of Cape Cod, by cattle and horse-kind feeding on Provincetown land; an act made in the twentieth year of the said reign, intitled "An Act to prevent damage being done unto Nosset Meadow by cattle and horse-kind feeding on the beach adjoining thereto;" two acts made in the twenty-fourth year of the said reign; one act, intitled "An Act providing for the support of ministers in new plantations;" the other act, intitled "An Act in addition to 'An Act for regulating fences, cattle, &c.;'" an act made in the twenty-seventh year of the same reign, intitled "An Act to impower the proprietors of the meeting-house in the first parish in Salem, where the Rev'd Mr. Dudley Leavitt now officiates, to raise money to defrey ministerial and other necessary charges;" two acts made in the twenty-eighth year of the same reign; one, intitled "An Act for the securing the growth and increase of a certain parcel of wood and timber in the townships of Ipswich and Wenham, in the county of Essex;" another act, intitled "An Act to prevent damage being done on the beaches, hummocks and meadows belonging to the town of Scituate, lying between the southerly end of the Third cliff, so called, and the mouth of the North River;" two acts made in the thirtieth year of the said reign; one act, intitled "An Act for further regulating the course of judicial proceedings;" the other act, intitled "An Act to prevent damage being done on the meadows and beaches lying in the township of Barnstable, on the south side of the harbour, contiguous to the common field in said town;" an act made in the thirty-first year of the said reign, intitled "An Act in addition to the several acts for the better regulating the Indians;" two acts made in the thirty-second year of the same reign; one act, intitled "An Act in addition to an act intitled 'An Act to prevent fraud in cord-wood exposed to sale;'" the other act, intitled "An Act in addition to an act, intitled 'An Act for regulating of fences, cattle, &c.;'" one act made in the thirty-third year of the said reign, intitled "An Act to prevent damage on a beach at Monument Ponds, in the township of Plymouth, lying between the lands of the late Thomas Clarke and Joseph Bartlet, deceased, and on a certain tract of marshy ground lying under water there;" one act made in the first year of his present majesty's reign, intitled "An Act for preventing the stealing and clandestinely conveying sheep away from the island of Martha's Vineyard in Duke's County;" two acts

made in the fourth year of the said reign; one act, intitled "An Act to impower the proprietors of the meeting-house in the town of Newburyport, where the Rev'd Mr. Jonathan Parsons officiates, to raise money to defrey ministerial and other necessary charges;" the other act, intitled "An Act in addition to an act, intitled 'An Act to prevent the unnecessary destruction of alewives in the town of Middleborough,'"—

Empowering the proprietors of a meeting-house in Newburyport. 1764–65, ch. 7.

Preventing destruction of fish, at Middleborough. 1764–65, ch. 10.

Be it therefore enacted by the Governor, Council and House of Representatives,

That such of the beforementioned acts as are expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the twentieth day of July, one thousand seven hundred and seventy-two, and no longer. [*Passed June* 24; *published June* 25.

CHAPTER 10.

AN ACT TO PREVENT FRAUDS BY THE ADULTERATION OF POTASH AND PEARLASH.

Whereas the manufacture of potash and pearlash is of great importance to this government, and as there are great complaints of gross adulterations in said manufacture, which, if not prevented, may not only be of great disadvantage to the province in general, but to honest and industrious individuals, and wholly destroy that valuable branch of manufacture,—

Preamble. 1766–67, chap. 8.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That every manufacturer or original owner of any potash or pearlash made for sale, shall, upon each cask or vessel, in which such potash or pearlash shall be packed, cause the same to be branded with the first letter of his Christian name, and with his sirname at length, as also the name of the town or district in which such potash or pearlash was made; and every person offering to sell any potash or pearlash, the cask or vessel in which the same is contained not being branded, as aforesaid, shall forfeit and pay the sum of five pounds.

Casks to be branded.

And be it further enacted,

[Sect. 2.] That any person who shall adulterate any potash or pearlash, by mixing the same with any lime, marine salt, or any other matter foreign to the nature of those commodities, or by any other way or manner whatsoever, and afterwards offer the same to sale, shall forfeit and pay a sum not exceeding thirty pounds nor less than five pounds, according to the nature of the offence, for each ton thereof, and so, in proportion, for any greater or smaller quantity of potash or pearlash.

Penalty on mixing or adulterating.

And be it further enacted,

[Sect. 3.] That in cases where a strong suspicion of adulteration arises, in either potash or pearlash, if any credible person shall make complaint to a justice of the peace, in the county where such potash or pearlash shall be offered to sale, it shall be in the power of such justice, first taking sufficient security of the person so complaining, to respond, and pay the person or persons, whose potash or pearlash shall be so suspected and complained of, all his or their reasonable charge and expence and the damage that shall arise by reason of the said complaint, or for not prosecuting the same, provided the potash or pearl-

Justice, upon complaint, to require security of the complainant to prosecute, &c.

ash, supposed to be adulterated, appear, upon trial, to be good; and he is hereby enjoined to make out a warrant, directed to the sheriff, his undersheriff or deputy, or either of the constables of the town, requiring them, or either of them, to seize, and take into their custody, so much of the contents of any and every cask of potash or pearlash, not exceeding the quantity of two pounds, out of each suspected cask, as may be necessary in order to the conviction of any offender against this act.

Justice to issue his warrant to take out a sufficient quantity to make trial.

And be it further enacted,

[SECT. 4.] That the master or owner of any ship or vessel, who shall receive on board the same any potash or pearlash, the cask containing the same not being branded as aforesaid, shall forfeit and pay the sum of five pounds.

Penalty on receiving aboard, any casks not branded.

And be it further enacted,

[SECT. 5.] That all fines and forfeitures arising by the breach of this act, shall be applied, one moiety thereof to and for the use of this government, and the other moiety to and for the use of the prosecutor; to be recovered by action, bill, plaint or information, in any of his majesty's courts of record.

Forfeitures applied.

[SECT. 6.] This act to be in force from the twentieth day of July next, until the twentieth day of July, *Anno Domini* one thousand seven hundred and sixty-eight. [*Passed and published June* 25.

Continuation of the act.

CHAPTER 11.

AN ACT TO REVIVE AND CONTINUE AN ACT MADE IN THE FIFTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT FOR ALLOWING NECESSARY SUPPLYS TO THE EASTERN INDIANS, AND FOR REGULATING TRADE WITH THEM, AND PREVENTING ABUSES THEREIN," WHICH IS NEAR EXPIRING.

Preamble.

WHEREAS the aforementioned act is found, by experience, very beneficial for regulating the trade with the Eastern Indians,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Act for regulating the Indian trade, revived. 1764-65, chap. 30.

That an act, intituled "An Act for allowing necessary supplys to the Eastern Indians, and for regulating trade with them and for preventing abuses therein," made in the fifth year of his present majesty's reign, in all and every article and clause, matter and thing, be and hereby is revived, and shall be in force until the thirtieth day of June, which will be in the year of our Lord one thousand seven hundred and sixty-eight. [*Passed and published June* 25.

ACTS

Passed at the Session begun and held at Boston, on the Thirtieth day of December, A.D. 1767.

CHAPTER 12.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

Preamble.

We, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachuset[t]s Bay, in New England, being desirous of lessening the publick debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

Impost to be paid from 24th March, 1768, to 25th March, 1769.

[Sect. 1.] That from and after the twenty-fourth day of March, one thousand seven hundred and sixty-eight, to the twenty-fifth day of March, one thousand seven hundred and sixty-nine, there shall be paid by the importers of all wine[s], rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz[t].,—

Rates of impost.

For every pipe of wine of every sort, five shillings.

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of tobacco, ten shillings.

Impost for goods, merchandise, &c.:

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings' value, excepting such goods and merchandize the produce of Great Britain, and also foreign goods and merchandize, imported from Great Britain, either directly, or through the channel of any of his majesty's colonies: *provided* such foreign goods and merchandize have paid the duties required by act of parliament.

—for liquors, goods, &c., belonging to inhabitants of other provinces.

[Sect. 2.] And for any of the liquors, goods, wares and merchandize that shall be imported in this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of said provinces, colonies or islands, there shall be paid by the importers the several duties of impost following; viz[t].,—

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum containing one hundred gallons, sixteen shillings.

For every hogshead of sugar[s], eightpence.
For every hogshead of molasses, eightpence.
For every hogshead of tobacco, twenty shillings.

And for all other commodities, goods and merchandize not mentioned or not excepted, eightpence for every twenty shillings' value:

Proviso.

provided, *always*, that every thing which is the growth or produce of the provinces or colonies aforesaid (tobacco excepted), and all provisions, salt, cotton-wool, bar and pig iron, mahog[a][*o*]ny, brazilletto, black-walnut, lignum-vit[ee][*æ*], red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

And be it further enacted,

Masters of vessels to make report within forty-eight hours after arrival, and deliver a manifest to the commissioner.

[SECT. 3.] That the master of every ship or vessel coming into this province from any other place, shall, within forty-eight hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner of impost that is or shall be appointed by this province, of the contents or loading of such ship or vessel, therein particularly expressing the species, kind and quantit[y][*ies*] of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that, if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he shall forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

To forfeit, in case of breaking bulk.

[SECT. 4.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[SECT. 5.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz[t].,—

Oath.

You, A. B., do swear that the entry of goods and merchandize, by you made, and the value thereof annexed, is, *bonâ fide*, according to your best skill and judgment, agre[*e*]able to the price current or the market price of the said goods. So help you God.

—which oath the commissioner or receiver, appointed in consequence of this act, is hereby [e][*i*]mpowered and directed to administer; and the owners aforesaid shall pay the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

Duties to be paid before landing.

[SECT. 6.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or in any warehouse or other place, but in the day-time only, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and

merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place.

[Sect. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consigned, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

Provided, nevertheless,—

Commissioner allowed to give credit.

[Sect. 8.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall exceed six pounds; which credit shall be so limited as that he shall settle and ballance his accompts with every person, on or before the twenty-fifth day of March, one thousand seven hundred and sixty-nine, that the said accompts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry, to what value soever.

And be it further enacted,

Importer by land-carriage or in small vessels, to make report.

[Sect. 9.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the twenty-fifth day of March, one thousand seven hundred and sixty-eight, and until the twenty-fifth day of March, one thousand seven hundred and sixty-nine, by land-carriage, or in small vessels or boats, shall, within twenty-four hours after importation, make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put into any store or place whatsoever, under the penalty of ten pounds.

And be it further enacted,

Allowance for leakage.

[Sect. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for ordinary leakage, besides extraordinary: *provided* such wines shall not have been filled up on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel[s] shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for that port, on pain of forfeiting the sum of one hundred pounds.

[Sect. 11.] And if it may be made to appear that any wines imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered or the duty not paid.

[Sect. 12.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, for the mas-

ter of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be repaid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of impost in such port, or his order, who is hereby [e][*i*]mpowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

Master liable to be sued.

[SECT. 13.] That the commissioner or receiver of impost, in each port, shall be and hereby is [e][*i*]mpowered to sue the master of any ship or vessel for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, aforesaid, as shall remain not entered and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ship, &c., liable to be taken in execution.

[SECT. 14.] That the ship or vessel, with her tackle, apparel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost has not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy the said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby [e][*i*]mpowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures, or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto the owner[*s*], through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel, outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store to be allowed.

[Sect. 16.] And the commissioner or rec[ei][*ie*]ver of impost is hereby [e][*i*]mpower[*e*]d to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

Preamble.

And for the more effectual preventing wines, rum or other distilled spirits being brought into this province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost,—

Be it enacted,

Commissioner to appoint deputies in places where wines, rum, &c., may be brought out of other governments.

[Sect. 17.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby [e][*i*]mpower[*e*]d and enjoined to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in[*to*] this government; and such officer or officers are [e][*i*]mpower[*e*]d also to search, in all suspected places, for such wines, rum or other distilled spirits, brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided.

And be it further enacted,

Commissioner or deputy empowered to administer the oaths, and to search and seize.

[Sect. 18.] That the commissioner or his deputies shall have power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

And be it further enacted,

Tonnage of shipping.

[Sect. 19.] That there shall be paid, by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffic[*k*], whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jersey, Connecticut, New York, New Hampshire, Rhode Island [*and*] Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the governments aforesaid, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

Vessels to be measured, if suspected.

[Sect. 20.] And the said commissioner is hereby [e][*i*]mpowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and t[o][*u*]nnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of said ship or vessel, before she shall be cleared, in case she appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be certified, also, by the commissioner, that the duty of t[o][*u*]nnage for the

same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

Drawback for wine, rum, and tea allowed, in case.

[SECT. 21.] That when and so often as any wine or rum imported into this province, the aforesaid duty of impost upon which shall have been paid agreeable to this act, shall be reshipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wines or rum shall make oath, at the time of the shipping, before the receiver of impost, or his deputy, that the whole of the wine or rum so shipped has, *bonâ fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government, — or the master of the vessel in which the same shall be exported shall make oath, before the commissioner or his deputy, that the same has been landed and left in some port out of the government, and the exporter, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines or rum has been relanded in this province,—such exporter shall be allowed a drawback from the receiver of impost as follows; viz[u].,—

For every pipe of wine, four shillings.

For every hogshead of rum, seven shillings.

Provided, always,—

Proviso.

[SECT. 22.] That if, after the shipping of such wines or rum, to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine, rum, so relanded and brought again into this province, shall be forfeited, and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[SECT. 23.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and t[o][u]nnage of shipping, and for the inspection, care and management of the said office, and whatever relates thereunto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and t[o][u]nnage of shipping, as aforesaid, that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and t[o][u]nnage arising on said vessel may appear; and the same to be open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their entering into execution of their office aforesaid, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon, until one of the clock in the afternoon.

[SECT. 24.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the

province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service[s] such sums as the commissioner of impost, together with the province treasurer, shall judge necessary for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

[Sect. 25.] That all penalties, fines and forfeitures, accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action of debt, presentment or indictment of the grand jury, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of [*the*] prosecution to be taken out of the half belonging to the informer. Disposition of forfeitures.

And be it further enacted,

[Sect. 26.] That from and after the commencement of this act, in all causes wherein any claimant shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed February* 26; *published March* 5, 1768. Charges of prosecution, how to be paid, in case.

CHAPTER 13.

AN ACT TO PREVENT DAMAGE BEING DONE ON BOUND-BROOK ISLAND AND GRIFFITH'S ISLANDS, WITHIN THE DISTRICT OF WEL[*L*]FLEET, BY CATTLE, HORSE-KIND AND SHEEP.

Whereas many persons frequently drive numbers of neat cattle, horse-kind and sheep, to feed upon the beaches and shores on the said islands of Bound Brook and Griffith's Islands, so called, lying in the district of Wel[*l*]fleet, whereby the ground is much broken and damnified, and the sands blown on said islands and meadows adjoining, to the great damage, not only of the proprietors of the said islands in their property, but also to the said district in general, as it will greatly endanger a great and valuable tract of salt marsh belonging to the inhabitants of said district; as also, in process of time, fill up the Herring River, and destroy the navigation thereof,— Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That, from and after the twenty-fifth day of March next, no person or persons shall presume to turn any neat cattle, horse-kind or sheep, on any of the said beaches, meadows or shores of Bound-Brook and Griffith's Islands, lying in the district of Wel[*l*]fleet, or on the meadows, banks and beaches, from Truro line to the northward, extending, southward, to Great Island, and, to the westward, to the fence the said proprietors of said islands have set up, at their own cost and expence, to the bars near the dwelling-house of Barnabas Young; and so, northerly and easterly, to a mud-cove near the dwelling house of Moses Wiley,—at any time between the first day of April, and the last day of November, yearly, during the continuance of this act; on penalty of paying, for each offence, five shillings a head for cattle,—and for every horse-kind of one year old [or] [*and*] upwards, and for each sheep, one shilling a head,—that shall be found feeding on No person to turn out cattle, &c., on the islands, from first of April to last of November, yearly. Penalty:

said beaches, meadows or shores, within the limits aforesaid; which penalty shall be recovered by the selectmen or treasurer of said district of Wel[*l*]fleet, or any other person that shall inform or sue for the same: the one half of said forfeiture to him or them that shall inform and sue for the same, the other half to be to and for the use of the poor of said Wel[*l*]fleet.

—how to be applied.

And be it further enacted,

Cattle found at large may be impounded.

[SECT. 2.] That it shall be lawful for any owner or proprietor of the said meadows or beaches, or any other person, finding any cattle or horse-kind feeding or going at large upon the meadows or beaches aforesaid, or any of them, to impound the same, giving public notice thereof in the district of Wel[*l*]fleet, and in the two next adjoining towns; and shall relieve said creatures, while impounded, with suitable meat and water: and the owner thereof appearing, shall pay to the impounder two shillings and sixpence damages for each head of neat cattle or horse-kind, and fourpence for each sheep, so impounded, and costs of impounding them; and if the owner do not appear within the space of six days, and pay the damage and cost occasioned by impounding such cattle, horse-kind or sheep, shall cause them to be sold at public vendue, for paying such damages and costs arising by such sale: public notice of the time and place of such sale, being given forty-eight hours beforehand; and the overplus, if any there be, to be returned to the owner of such cattle or horse-kind, on demand, at any time within twelve months next after the sale; and if no owner shall appear within the said twelve months, then one moiety of the overplus shall be to the party impounding, and the other moiety thereof to the use of the poor of the district of Wel[*l*]fleet.

Damages and costs of impounding, to be paid, or creatures may be sold.

Overplus money, how to be paid or distributed.

Be it further enacted,

A pound to be erected, and haywards chosen.

[SECT. 3.] That the proprietors of the said islands be impowered to erect a pound upon either of the said islands which they may think proper, to impound such cattle, horse-kind or sheep, as may be found feeding on the said meadows and beaches; and to chuse one or more haywards, from time to time, during the continuance of this act, to put in execution the said act, agre[*e*]able to the true intent and meaning thereof.

Continuance of the act.

[SECT. 4.] This act to continue and be in force for the space of five years from the twenty-fifth day of March next, and to the end of the next session, and no longer. [*Passed February* 26; *published March* 5, 1768.

CHAPTER 14.

AN ACT TO ENABLE THE PROPRIETORS AND PURCHASERS [*AND*] IN THE TOWN OF DARTMOUTH, IN THE COUNTY OF BRISTOL, TO RAISE MONIES AND LEVY TAXES, AND TO SUE AND DEFEND IN CERTAIN CASES.

Preamble.

WHEREAS the records of the proprietors of the said town of Dartmouth, in the year one thousand seven hundred and twenty-five, were burnt, with the dwelling-house of their proprietors' clerk, so that great difficulties have since arisen, not only to the said proprietors, but to those persons that purchased of the proprietors, more especially in cases where the said proprietors are obliged to sue or defend any action or actions that have been or may be brought against them, by reason that it is impracticable to distinguish, at this time, the original proprietors from the purchasers, as they are called,—

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That, for the future, the proprietors and purchasers of the town of Dartmouth be and are hereby impowered to sue and defend, in all real actions, by the name of The Proprietors and Purchasers of the town of Dartmouth, as fully, to all intents and purposes, as proprietors are, by law, impowered to do. Proprietors and purchasers of Dartmouth, empowered to sue and defend.

And be it further enacted,

[Sect. 2.] That all meetings held in said town of Dartmouth, heretofore, by the name of proprietors' and purchasers' meetings, and their proceedings thereon, be and hereby are confirmed, to all intents and purposes whatever, as fully as if said meetings had been called by the proprietors of said Dartmouth only; and all votes and orders for raising monies, at any such meetings, are hereby confirmed and made valid, to all intents and purposes whatever. Their meetings heretofore held confirmed:

And be it further enacted,

[Sect. 3.] That, for the future, the proprietors and purchasers of said Dartmouth are hereby impowered jointly to call meetings to raise monies for the necessary uses of said proprietors and purchasers, in as full and ample manner as is directed in an act of this province, made in the thirteenth year of the reign of his late majesty King George the First, intitled "An Act in addition to an act, intitled 'An Act to enable towns, villages and proprietors, in common and undivided lands, &c., to sue and be sued, made in the sixth year of the reign of King William and Queen Mary.'" [*Passed February* 26; *published March* 5, 1768. —empowered jointly to call meetings.

1726–27, chap. 15.

CHAPTER 15.

AN ACT FOR ENQUIRING INTO THE RATEABLE ESTATES OF THIS PROVINCE.

Whereas the rateable estates of the several towns and districts in this province are much altered since the last valuation,— Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the assessors of each town and district within this province, chosen for the year one thousand seven hundred and sixty-eight, shall, on oath, take and lodge in the secretary's office, by the first day of June next, a true and perfect list, according to their best skill and understanding, agreeable to the following list:— Assessors to return a list of ratables into the secretary's office by the first day of June. 1760–61, chaps. 24 and 30.

Number of polls rateable; number of polls not rateable; number of dwelling-houses, and the annual worth; ditto of tan-houses, slaughter-houses, and other working-houses and shops, seperate from dwelling-houses, and their annual worth; number of still-houses, and the annual worth; number of warehouses, and the annual worth; number of superficial feet of wharf; number of grist-mills, fulling-mills and saw-mills, and the annual worth; number of iron-works and furnaces, and their annual worth; other real estate, and the annual worth; servants for life, between fourteen and forty-five years of age; an account of each person's trading stock or goods on hand, paid for or unpaid for, at home or abroad; factorage or the value of commissions on merchandize; tons of vessels of every kind, upwards of ten tons' burthen, to be given in carpenters' tonnage, at home or abroad; money that any person has at interest more than he or she pays interest for; number of horses and mares, three years old and upwards; number of oxen at four years old List of ratables.

and upwards; number of cows and heifers at three years old and upwards; number of goats and sheep, one year old and upwards; number of swine, one year old and upwards; number of acres of pasturage, and the number of cows said pasturage and the after-feed of the whole farm will keep; number of acres of tillage-land; number of bushels of grain and corn of all sorts said tillage-land will produce, one year with another, in case it was improved for grain; number of barrels of cyder that can be made upon the farm one year with another; number of acres of mowing-land; number of tons of upland hay; number of tons of fresh meadow hay; number of acres of salt marsh; number of tons of salt hay:—a printed copy of which list shall be, by the treasurer of the province, sent to the clerk of each town and district therein, containing an account of all male polls of sixteen years old and upwards, whether at home or abroad, distinguishing such as are exempt from rates; and of all rateable estates, both real and personal, lying within or adjacent to their respective towns and districts, and by whom occupied, and what each person's real estate may be worth by the year, taking one year with another; particularly mentioning dwelling-houses and land, tan-houses, slaughter-houses and other working-houses and shops, separate from dwelling-houses, still-houses, warehouses, wharves, grist-mills, fulling-mills, saw-mills, iron-works and furnaces; and what each of said estates may be worth by the year, in the judgment of said assessors, without consideration of repairs; and of all Indian, negro or molatto servants for life, from fourteen to forty-five years of age; and the number of tons of vessels of every kind, upwards of ten tons' burthen (to be given in, in carpenters' tonnage), whether at home or abroad; and each person's whole stock in trade, including factorage or the value of commissions on merchandize; and money at interest which any person has more than he pays interest for; and also of all horses, oxen, cows, goats, sheep and swine, at the respective ages set in said list. And said assessors, in taking said valuation, shall distinguish the different improvements of land, and return their list in the following manner: the number of acres of pasture, the number of acres of tillage-land, the number of acres of salt marsh, and the number of acres of fresh, and English mowing-land; and also what stock each pasture is ordinarily capable of feeding, and what quantity of produce the said tillage, mowing, and orchard, land yearly affords, taking one year with another: *excepting* that the governor, the lieutenant-governor, president, fellows, professors, tutors and students of Harvard College, settled ministers and grammar-school masters, with their families,—for their polls, and for their estates in their own actual improvement,—as also the estate pertaining to Harvard College, under their own actual improvement, shall be exempted out of this act; and said assessors, before they enter on this work, shall take the following oath:—

Printed copy of the list to be sent by the province treasurer, to the town or district clerks.

The governor and other persons exempted.

Assessor's oath:

You, A. B., being chosen an assessor for the town of B., for the year one thousand seven hundred and sixty-eight, do swear that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an assessor, as directed and enjoined by an act of this province made in the present year, intitled "An Act for enquiring into the rateable estates of this province," without favour or prejudice. So help you God.

—by whom to be administered.

— which oath, in such towns or districts where no justice of the peace dwells, shall be administered by the town or district clerks, who are hereby impowered and directed to administer the same, on penalty of ten pounds; and every assessor who shall be chosen by any town or district, in the year one thousand seven hundred and sixty-eight, and accepted such choice, that shall refuse to take such oath, shall forfeit and pay the sum of forty pounds; or, taking the same, shall neglect or

Penalty on assessors for refusing to take said oath, or neglecting duty.

refuse to do the duty required by this act, or shall anyway act deceitfully therein, shall, for each of these offences, forfeit and pay a fine of fifty pounds.

Persons to give in their lists to the assessors, on oath, if required.

[Sect. 2.] And every person not necessarily out of the province; viz., on and from the tenth day of April next, to the twentieth day of May next (in which cases they shall be doomed by the assessors as is hereafter expressed), refusing or neglecting to give such assessor or assessors, in writing, and on oath if required, a true account of his rateable estate and improvements, agreeable to the true intent of this act, shall be doomed by the assessors, accordingly, to their best skill and judgment; and shall, for each offence, forfeit and pay the sum of fifty pounds: which oath, if required, shall be in the following form; viz.,—

Form of the oath.

You, C. D., do swear that the account now exhibited by you is, to the best of your knowledge and judgment, a full account of all your rateables, agreeable to the list now exhibited to you. So help you God.

Allowance to the assessors:

—and every assessor shall be allowed, out of the treasury of his respective town or district, the sum of four shillings for every day he shall be necessarily employed in doing the duty enjoined by this act.

And be it further enacted.

—who are to transmit copies, on oath, of the valuation and state-bill.

[Sect. 3.] That the assessors of each town and district in this province, for the year one thousand seven hundred and sixty-seven, shall, by the abovesaid first day of June next, transmit to the secretary's office a true and perfect copy, on oath, of the valuation and state-bill, by which they made the taxes in their particular towns and districts for that year, and also a true copy of the province tax made by such list and valuation; on penalty that each assessor neglecting his duty therein shall forfeit and pay twenty pounds.

Penalty for neglect.

And be it further enacted,

In case of death, the rest of the assessors to act.

[Sect. 4.] That if, in any of the towns and districts aforesaid, it so happens that any of the assessors, for the year one thousand seven hundred and sixty-seven, be dead or removed, in that case the remaining part of said assessors shall and are hereby impowered to act in all cases touching the valuation and state bill and copy of the province tax aforesaid, as fully as if there had been no such death or removal.

Fines, how to be recovered and applied.

[Sect. 5.] And all fines and forfeitures arising by this act may be recovered by action of debt, presentment or indictment, at any of his majesty's courts within this province proper to try the same; and shall be applied, one moiety, to him or them that shall sue for the same, and the other moiety, to his majesty to and for the use of this government.

Preamble.

And whereas it may happen that some rateable estate, by shifting hands, may be liable to be given in twice to the assessors, or not given in at all,—

Be it further enacted,

Ratables to be given in as possessed on the tenth of April.

[Sect. 6.] That every person in each town and district within this province, in giving in to the assessors a list of his rateables, shall estimate such rateable estate, agreeable to this act, as he is possessed of on the tenth day of April next. [*Passed February* 26; *published March* 5, 1768.

CHAPTER 16.

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS FOR THE SETTLEMENT AND SUPPORT OF SCHOOLS AND SCHOOLMASTERS.

Preamble. 1718-19, chap. 2. 10 Met., 515.

WHEREAS it may happen that where towns or districts consist of several precincts, some of such precincts may be disposed to expend more for the instruction of children and youth, in useful learning, within their own bounds, than, as parts of such towns or districts, they are, by law, held to do, and no provision has hitherto been made to enable precincts to raise money for that purpose; *and whereas* the encouragement of learning tends to the promotion of religion and good morals, and the establishment of liberty, civil and religious,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Towns or precincts may raise more money than is by law required, for the support of schools.

[SECT. 1.] That when and so often as the major part of the inhabitants of any precinct, at their annual meeting legally warned, shall agree on the building, finishing or repairing of any schoolhouse, or the defr[e][a]ying any other charge for the support of schools and schoolmasters, and shall also agree on any sum or sums of money for such purpose or purposes, the assessors of such precinct are hereby impowered and required to assess the same on the polls and estates within the said precinct; and all such rates or assessments shall be paid to the constable or collector to whom the same shall be committed, with a warrant from said assessors in form as by law is prescribed for collecting of town assessments; and every constable or collector to whom any such rates or assessments shall be committed, with a warrant as aforesaid, shall levy, gather and receive the same, according to the direction in the warrant to him given, and shall account for all such sums as he shall so receive, and make payment of the same to the treasurer of such precinct or other receiver, as, by his warrant, he shall be required; and be subject to the pains and penalties, in case of neglect, as is, by law, provided in the several acts of this province, respecting the levying and collecting of other precinct assessments.

Assessors required to assess the money agreed to be raised.

Constables or collectors required to collect the same:

—upon penalty for neglect.

Continuance of the act.

[SECT. 2.] This act to continue and be in force until July, one thousand seven hundred and seventy, and no longer. [*Passed February 26; published March 5, 1768.*

CHAPTER 17.

AN ACT TO PREVENT THE DESTRUCTION OF THE SALT MEADOWS, LYING IN THE TOWNS OF TISBURY AND CHILMARK.

Preamble

WHEREAS the salt meadows lying in the towns of Tisbury and Chilmark, in the county of Dukes County, by reason of the ponds overflowing the same, have been greatly damaged, being occasioned, in a great measure, by the proprietors thereof not being able to agree upon the times when, or the places where, the said meadows might be drained; for remedy whereof for the future,—

Be it enacted by the Governor, Council and House of Representatives,

The proprietors empowered to make an opening from Black-

[SECT. 1.] That the proprietors of the meadows lying and adjoining to the ponds and creeks in the towns of Tisbury and Chilmark aforesaid, in which are comprehended all the meadows from the east end of Tis-

bury Great Pond, to the west end of the pond called and known by the name of Chilmark Pond, are hereby impowered, in the month of March, annually, to make an opening into the sea, out of the pond in Chilmark, called and known by the name of Black-Point Pond,—the said pond lying contiguous to the meadows in Tisbury aforesaid,—to be continued open until the tenth day of September then next following, annually, and at no other time, at the expence of the proprietors of the meadows aforesaid, in proportion to their several rights and interest in said meadows. Point Pond to the sea, —at the expense of the proprietors of the meadows.

And be it further enacted,

[Sect. 2.] That the proprietors of the meadows in the town of Chilmark aforesaid, be and are hereby impowered to open the pond called and known by the name of Chilmark Pond, at any time from the tenth day of September, to the last day of November, annually, during the continuance of this act, and at no other time; and that the proprietors of the meadows, from the east end of the creek, in s[*ai*]d Chilmark, called and known by the name of Quonsoo Creek, westward, to the west end of said Chilmark Pond, shall pay their proportion of the expences that may arise in opening said Chilmark Pond, in money or labour, at their discretion. Proprietors empowered to open Chilmark Pond.

Be it further enacted,

[Sect. 3.] That if any person or persons shall presume to make an opening out of the said ponds, at any other time or place, or to stop up any openings after being so made, contrary to the true intent and meaning of this act, he or they shall forfeit and pay the sum of twenty pounds, to be recovered by action of debt in any of his majesty's courts of record proper to try the same; one moiety thereof to be to and for the use of the poor of said town, the other moiety to be to and for the use of him or them that shall sue for the same. No openings to be made but at certain times.

Be it further enacted,

[Sect. 4.] That the major part of the proprietors of said meadows be and hereby are impowered to make choice of a standing proprietors' committee of three meet persons, and, on the death or removal of one or more of said committee, to fill them up by the choice of other person or persons, who also shall have power to order and regulate the times of said openings, as limited by this act, and also to apportion the labour in making said openings, among said proprietors, agre[*e*]able to their respective rights and interest; and, in case of their neglect or refusal to perform the same, the said committee are impowered, from time to time, to assess said delinquent proprietors, and to appoint and swear a collector or collectors for the collecting and paying in the sums so assessed, to the committee aforesaid, for the defr[*e*][*a*]ying the expences of said openings; which persons so chosen and appointed, being sworn to the faithful performance of their duty, shall be and hereby are vested with the same power and authority, for the purposes aforesaid, as other proprietors' committees, assessors and collectors, by law are vested with. Proprietors to choose a committee for the purposes abovementioned, —who are empowered to make assessments. Collectors to be sworn.

And be it further enacted,

[Sect. 5.] That Mat[t]hew Mayhew, Esq[r]., is hereby impowered to call a meeting of said proprietors, for choosing said committee; at which meeting the proprietors aforesaid are likewise impowered to make choice of a moderator, who shall have power to regulate the same, —the votes to be reckoned according to the interest of each voter: at which s[*ai*]d meeting, the proprietors aforesaid shall have power to agree upon some method for calling meetings for the future. Matthew Mayhew, Esq., to call a meeting.

[Sect. 6.] This act to continue and be in force for the space of three years from the first day of March, [1768], [*one thousand seven hundred and sixty-eight*], and no longer. [*Passed February* 26; *published March* 5, 1768. Continuance of the act.

CHAPTER 18.

AN ACT TO ENABLE THE PROPRIETORS OF THREE SEVERAL TOWNSHIPS GRANTED JUNE, ONE THOUSAND SEVEN HUNDRED [*AND*] SIXTY-FIVE; VIZ[T]., ONE TOWNSHIP, GRANTED TO BENJAMIN MULLAKIN, ESQ[R]., AND OTHERS, IN LIEU OF A TOWNSHIP CALLED ROWLEY-CANADA; ONE OTHER TOWNSHIP, GRANTED TO WILLIAM RAYMOND AND OTHERS, IN LIEU OF A TOWNSHIP CALLED HALESTOWN; AND ONE OTHER TOWNSHIP, GRANTED TO SAMUEL GERRISH, ESQ[R]., AND OTHERS, IN LIEU OF A TOWNSHIP CALLED BAKERSTOWN,—TO MAKE SALE OF SO MUCH OF THE DELINQUENT PROPRIETORS' RIGHTS, GRANTED TO SAID MULLAKIN, RAYMOND, GERRISH, AND OTHERS, AS IS NECESSARY TO DEFREY THE CHARGES OF SAID TOWNSHIPS.

Be it enacted by the Governor, Council and House of Representatives,

Assessors empowered to sell lands of delinquent proprietors:

[SECT. 1.] That if the assessors chosen by the proprietors of either of the aforementioned townships, granted in June, one thousand seven hundred and sixty-five, for the defreying the public[k] charges that have arisen, or hereafter may arise, in either of said townships, or for defreying the charges that have arisen on either of the aforementioned townships formerly granted to said proprietors, respectively, have or hereafter shall lev[e]y or assess a tax on the land of said proprietors, agreeable to the votes of said proprietors, and such proprietors shall neglect or delay to pay to the collector or collectors the sums so assessed, for sixty days after such assessment is made and published, then and in that case it shall and may be lawful for the assessors, or a committee, at a public[k] vendue, to sell so much and no more of the delinquent proprietors' lands as they shall judge necessary to pay and satisfy such rates and taxes, and other necessary and intervening charges, and execute absolute deeds in the law for the conveyance of such lands of the proprietors to the person or persons who shall give most for the same; which deed shall be good, to all intents and purposes in the law, for conveying such estates to the grantees, their heirs and assigns forever.

—to execute deeds.

Provided,—

Public notice to be given of such sale.

[SECT. 2.] That public[k] notice of such sale be given in two or more of the Boston newspapers, three weeks successively, for three months at least before said lands be sold; reserving to said proprietors within this province, their heirs or assigns, liberty for redemption of their lands so sold, they paying to the grantees or their heirs, respectively, within one year afterwards, the sum[e]s for which the said lands were sold, with double damages until the same be redeemed; reserving also, to such no[*n*]-resident proprietors as are not inhabitants of this province, their heirs or assigns, liberty for redemption of their lands so sold, they paying to the grantees or their heirs, respectively, within two years afterwards, the sums for which the said lands were sold, with double damages until the same be redeemed. [*Passed February* 27; *published March* 5, 1768.

Liberty of redemption.

CHAPTER 19.

AN ACT FOR ANNEXING THAT PART OF THE TOWN OF SHREWSBURY, CALLED THE LEG, TO THE TOWN OF LANCASTER.

Preamble.

Whereas it has been represented to this court that the part of Shrewsbury, in the county of Worcester, called the Leg, in many respects will be more accom[*m*]odated to be set off from the said town of Shrewsbury, and annexed to the town of Lancaster, in said county,—

Be it enacted by the Governor, Council and House of Representatives,

Shrewsbury Leg annexed to Lancaster.

[Sect. 1.] That the part of Shrewsbury called the Leg, with the inhabitants thereof, bounded, southerly, on Quinepoxit River; westerly, on the town of Holden; northerly, on Princetown; and, easterly, on Stillwater River, — be and hereby are set off from the said town of Shrewsbury, and annexed to the town of Lancaster, in the said county of Worcester, and to the second parish in said town of Lancaster, there to do duties and receive privileges as other of their inhabitants.

And be it further enacted,

Inhabitants to pay taxes already granted to be raised on Shrewsbury.

[Sect. 2.] That the inhabitants of the part of Shrewsbury called the Leg, aforesaid, shall pay the[ir] proportion of all such province, county, town and precinct taxes, already granted to be raised on the town of Shrewsbury aforesaid. [*Passed February 27; published March 5*, 1768.

CHAPTER 20.

AN ACT FOR CONTINUING SUNDRY LAWS THAT ARE NEAR EXPIRING.

Preamble.

Whereas the several acts hereinafter mentioned, which are near expiring, have been found useful[l] and ben[i][*e*]ficial; viz[t]., two acts made in the fifth year of his present majesty's reign; one, intitled "An Act to prevent the destruction of salmon and other fish in Merrimack River, within this province;" the other, intitled "An Act to prevent the destruction of oysters in the several bays and rivers hereafter mentioned, within this province;" one act made in the sixth year of the said reign, intitled "An Act for amending of an act made in the fifth year of his present majesty's reign, intitled 'An Act to prevent the destruction of salmon and other fish in Merrimack River, within this province;'" one act made in the seventh year of the same reign, intitled "An Act in addition to two several acts to prevent the destruction of salmon and other fish in Merrimack River, within this province,"—

Act to prevent destruction of salmon. 1764–65, ch. 24.

Ditto, oysters. 1764–65, ch. 25.

Ditto, to amend an act to prevent destruction of salmon. 1765–66, ch. 30.

Act in addition to two several acts to prevent destruction of salmon. 1766–67, ch. 3.

Be it therefore enacted by the Governor, Council and House of Representatives,

Continued to 1st July, 1770.

That the before-mentioned acts be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until[l] the first day of July, one thousand seven hundred and seventy, and no longer. [*Passed February 27; published March 5*, 1768.

CHAPTER 21.

AN ACT FOR ERECTING A TRACT OF LAND OF EIGHT MILES SQUARE CALLED PHILLIPSTOWN, JOINING UPON THE NORTH-WEST END OF THE TOWN OF WELLS, IN THE COUNTY OF YORK, INTO A TOWN BY THE NAME OF SANFORD.

Preamble.

WHEREAS the erecting of that tract of land called Phillipstown, into a town, will greatly contribute to the growth thereof, and remedy many inconveniences to which the inhabitants and proprietors may be otherwise subject,—

Be it enacted by the Governor, Council and House of Representatives,

Bounds of the town of Sanford.

[SECT. 1.] That the tract aforesaid, bounded as followeth; viz[t]., lying on the north-west end of the town of Wells, west of Kennebunk River, east of the town of Berwick; and north, by province grants, in part, and in part by unappropriated lands,—be and hereby is erected into a town by the name of Sanford; and that the inhabitants thereof be and hereby are invested with all powers, privileges and immunities which the inhabitants of the towns within this province do enjoy.

And be it further enacted,

Benjamin Chadburne, Esq., to call a meeting of the inhabitants.

[SECT. 2.] That Benjamin Chadburne, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant of said town, requiring him to warn the inhabitants of said town who have an estate of freehold according to charter, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required, by law, to manage the affairs of said town. [*Passed February* 27; *published March* 5, 1768.

CHAPTER 22.

AN ACT FOR BUILDING AND MAINTAINING A LIGHTHOUSE ON THE EAST END OF THE GURNET, AT THE ENTRANCE OF THE HARBOUR OF PLYMOUTH.

Preamble

WHEREAS the South Shore, so called, from Point Alderton to Cape Cod, is very dangerous, by reason of many rocks and shoals at a distance from the land, and there being no safe harbour, all along that coast, but that of Plymouth, and it being generally thought that a lighthouse erected on the east end of the Gurnet would be very serviceable to the navigation and commerce of this province, and be a means of preserving the lives and estates of a great number of his majesty's subjects, by directing the distressed, in stormy and tempestuous weather, into the aforesaid harbour; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

A lighthouse ordered to be erected on the east end of the Gurnet.

[SECT. 1.] That there be a lighthouse erected, at the charge of the province, on the east end of the Gurnet, to be kept lighted from sun-s[i][e]tting to sun-rising; that from and after the building of the said lighthouse, and kindling a light in it useful for shipping coming into or going out of the harbour of Plymouth, or other harbour within the Massachuset[t]s Bay, there shall be paid to the receiver of impost, by the master[s] of all ships and vessels going in or belonging to the port of Plymouth (coasters excepted), which have hitherto been ex-

Inhabitants of Plymouth, &c., to pay light-money.

empted from paying light-money, by the general court, the like duty or light-money as is paid, by every other ship or vessel coming in or going out of the harbour of Boston, agre[*e*]able to an act of this province passed in the first year of King George the First, [i][*e*]ntitled "An Act for building and maintaining a lighthouse upon the Great Br[u][*ew*]ster, called Bacon Island, at the entrance of the harbour of Boston." 1715-16, chap. 4.

And be it enacted,

[Sect. 2.] That the commissioner or receiver of impost be and hereby is impowered, by himself, or his deputy by him appointed, to receive the said duties, and to recover the same and give a certificate therefor in the same way and manner as by the aforerecited act is provided. Impost officer to receive the light-money.

And be it further enacted,

[Sect. 3.] That no ship or vessel belonging to the port of Plymouth (coasters excepted), shall be cleared by the naval officer, until a certificate be produced that the duty of the lighthouse be paid; and the ship or vessel, with the master, shall stand charged with the duty thereof, till paid to the commissioner of impost. Plymouth vessels not to be cleared without a certificate of payment.

And be it further enacted,

[Sect. 4.] That the person appointed by this court to keep the said lighthouse, shall be under the same rules and directions with respect to his duty, and also under the same penalty for neglecting the same, and the fines shall be recovered in the same way and manner, as in and by the aforerecited act is provided. Keeper of the lighthouse to observe rules, on penalty.

And be it further enacted,

[Sect. 5.] That a committee of this court be appointed to build the said lighthouse, of such dimensions, and in such manner, as they may be directed by the said court. [*Passed February* 27; *published March* 5, 1768. Committee to build.

CHAPTER 23.

AN ACT TO IMPOWER COMMISSARIES TO SETTLE A LINE OF JURISDICTION BETWEEN THIS PROVINCE AND THE PROVINCE OF NEW YORK.

Whereas a controversy has long subsisted between this province and the province of New York, concerning their boundaries and the extent of their jurisdiction, to the great detriment of both; and the contests arising therefrom have been attended with great confusion and disorders, and are likely to be productive of further most mischievous consequences; to prevent which, and to remove the cause of future disputes, it appears necessary that a line of jurisdiction between this province and the province of New York should be settled by the mutual consent and authority of the legislatures of both governments, agre[*e*]able to his majesty's most gracious designs and permission, signified by the right hon[*ora*]ble the Earl of Shelburne; *and whereas* great doubts arose in the minds of the commissaries of New York, on the conference at New Haven, whether the commissaries on the part of this province were sufficiently authorized, by a resolve of the court only, to treat with the commissaries on the part of New York, and settle the line of jurisdiction between the said provinces; for the removal of such doubts, and to the intent that his majesty's gracious recommendation of an amicable settlement may, if possible, be complied with,— Preamble

Be it enacted by the Governor, Council and House of Representatives,

Commissaries empowered to agree on a line of jurisdiction.

That the Hon[*ora*]ble Thomas Hutchinson, Esq[r]., lieutenant-governor of this province, the Hon[*ora*]ble William Brattle, Esq[r]., and Edward Sheaffe, Esq[r]., shall be commissaries on the part of this province, who shall have, or the major part of them shall have, and hereby are declared to have, full power and authority to agree with the commissaries appointed on the part of New York, on a line to be run, for a line of jurisdiction, between the two provinces, to which line of jurisdiction this province shall extend; and after such a line is agreed upon and determined by the commissaries on both sides, or the major part of them for each government, the commissaries appointed by this act are hereby impowered and authorized to employ such surveyor or surveyors, chain-bearers, and such and so many other persons as may be found necessary to perform the executive part, to run, mark and ascertain the said line, in conjunction with such as may be appointed for that purpose on the part of the province of New York. And the settlement of the line aforesaid, by the commissaries aforesaid, shall, after his majesty's confirmation thereof, be and remain the line of jurisdiction between the said provinces. [*Passed March* 3; *published March* 5, 1768.

Which line shall remain such, after receiving the royal sanction.

NOTES.—All the acts of this year, public and private, were printed,—chapter 8 separately; and the engrossments of all are preserved, except of chapters 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 15.

The following is the title of the only private act passed this year:—

"An Act to empower Abigail Conqueret of Lancaster in the County of Worcester, Wife of Lewis Conqueret Mariner to commence and prosecute to final Judgment and Execution, certain Action or Actions against Francis Morris and Thomas Legget of Leominster in said County, and for subjecting the said Abigail Conqueret to the Action or Actions of the said Francis Morris and Thomas Legget, as though she was sole and unmarried."—[*Passed June* 25.

The acts of the first session were certified for transmission July 22, 1767. No record has been found of the receipt of these acts, although the Governor's letter dated July 27, stating that the secretary of the province was "now transmitting" them, was read at the Board, October 13.

The report of Sir Matthew Lamb upon these acts, dated January 18, 1768, was received January 19, and read February 4, when the draught of a representation was ordered to be prepared proposing the repeal of the private act above named. This draught was prepared and signed February 18, 1768.

The acts of the second session were certified for transmission, April 5, 1768, and laid before the Lords of Trade June 10, 1768, when they were ordered to be sent to Sir Matthew Lamb for his opinion thereon. No report from Sir Matthew Lamb has been found, probably none was made by him since his death occurred on the sixth of November of that year. A vacancy in the office of counsel to the Board of Trade remained from the decease of Sir Matthew Lamb until the appointment of Richard Jackson to that post, on the 30th of April, 1770. On the 14th of January, 1771, Mr. Jackson made a report on these acts—which, it appears, had been sent to him by order of the Lords of Trade for that purpose—that he was of opinion that the same were proper in point of law. He, however, made several comments on chapter 22, as shown in the note to that chapter *post*.

As nothing to the contrary appears, it is to be presumed that the public acts of this year received a virtual approval by lapse of time.

Chap. 2. "June 6, 1764. A Petition of George Duncan and Others, Inhabitants of the North East Quarter of Rutland containing about six miles Square Setting forth, That there are now better than thirty Families living on the said District, and their numbers increasing; but that they labour under great Inconveniencies for want of being Incorporated. And Praying that the said Tract of Land may be erected into a Town or District as the same is bounded viz[t] Southerly on Rutland, Westerly on Rutland District, Northerly on Templeton and Easterly on Prince Town.

In Council Read and Ordered That the consideration of this Petition be referred to the next Sitting of the General Court, and that the Petitioners insert the Substance thereof in the Boston News Papers, that so the Proprietors of the North East Quarter of Rutland may shew cause, if any they have, on the second Wednesday of the next Sitting of the General Court why the Prayer thereof should not be granted.

In the House of Representatives Read and Concurred."—*Council Records, vol. XXV., p.* 230.

"Jan. 18, 1765. A Petition of George Duncan & others, Inhabitants of the North east quarter of Rutland praying to be erected into a Town or District, as entered the 6[th] of June last.—

In Council, Read again together with the Answer. And Ordered that this Petition be dismissed. Sent down for Concurrence."—*Ibid., p.* 341.

"Feb. 17, 1767. A Petition of the Inhabitants of the Northeasterly Quarter of the Town of Rutland—Setting forth That the said Quarter being of the contents of six miles square is capable of making a very good Town. That they live at a great distance from the place of public worship in Rutland, that they have no Roads laid out and labour under many other difficulties by remaining a part of the Town of Rutland. And praying that the said northeast quarter thereof may be erected into a separate Town or District; and that there may be a Tax of one penny per acre upon all the nonresident proprietors Lands therein for three years to enable them to make and Repair Roads and to settle the Gospel among them.

In the House of Representatives. Read & ordered that the Petitioners notify the nonresident Proprietors of said northeast Quarter of Rutland of this Petition by inserting the substance of it in one or more of the Boston news papers three Weeks successively that they shew cause, if any they have on the second Wednesday of the next sitting of the General Court why the prayer thereof should not be granted. In Council, Read & Concurred."—*Ibid., vol. XXVI., p.* 389.

"June 5, 1767. A Petition of the Inhabitants of the N E Quarter of Rutland praying for a Tax on the Lands of the nonresident proprietors, and that the said Quarter may be incorporated, as entered the 17th of February last.

In Council, Read again: and it appearing that the Petitioners & nonresident proprietors had come to an Agreement that there should be a Tax of one penny ℔' Acre laid upon all the Lands of the nonresident proprietors lying in the Northeast Quarter of Rutland for one year only, to enable the Inhabitants to make and repair Roads.—Ordered that there be a Tax of one peny ℔' Acre laid on the said Lands accordingly: And that the Petitioners have leave to bring in a Bill for Incorporating the said Quarter into a District In the House of Representatives, Read & Concurred. Consented to by the Governor."—*Ibid., vol. XXVII., p.* 27.

Chap. 8. "June 12, 1766. The Secretary also carried down to the House a Message from the Governor, founded on a Petition of Francis Le Blanc a French Accadian praying Relief, accompanying the said Message which is as follows viz^{t}—

Gentlemen of the House of Representatives.

The annexed Petition of Francis Le Blanc having been presented to me, I communicated it to the Council, and at their desire I lay it before You. It speaks so fully for itself that I can add nothing to enforce it. FRA. BERNARD."—*Council Records, vol. XXVI., p.* 252.

"June 24, 1766. In the House of Representatives. Resolved that the prayer of the Petition of Francis Le Blanc be so far granted That the Sum of Five pounds two shillings and eight pence be paid out of the Province Treasury to pay the Doctors Bill as set forth in the said Francis's Petition: and that the Town of Brimfield and South Brimfield be notified that they may shew cause if any they have, on the second Tuesday of the next sitting of this Court why the Sum of Five pounds two shillings and eight pence should not be added to their next years Province Tax. In Council, Read and Concurred. Consented to by the Governor.

N. B. The foregoing Petition was recommended by the Governor in a Message the 12th Instant."—*Ibid., p.* 281.

"Mar. 10, 1767. A Petition of Israel Dewey and Others Selectmen of Great Barrington—Setting forth—That the Towns of Sheffield, Great Barrington and Egremont are joined by Law in the choice of Representatives, and were to be assessed in proportion towards their pay; but that they apprehend there has been some mistake in proportioning the same this year, and that Great Barrington has been over rated. And praying Relief.

In the House of Representatives Read: and it appearing that the facts set forth in this Petition are true, and that there was a mistake in apportioning the Representatives pay in the Towns of Sheffield and Great Barrington, the Town of Sheffield's just proportion being £17: 9: 6 and the Town of Great Barrington's but £9: 15: 6, so that it appears that Great Barrington paid £3: 14: 6 more than its just proportion. Therefore Resolved That said Sum of Three pounds, fourteen shillings and six pence be deducted out of the Town of Great Barrington's Province Tax in the next Tax Bill & added to the Town of Sheffield. In Council, Read and Concurred. Consented to by the Governor."—*Ibid., p.* 454.

"Mar. 11, 1767. Advised and Consented that a Warrant be made out to the Treasurer to pay unto Benjamin Lincoln Esq^{r} and Committee appointed in June last to repair to Westfield, the sum of Eleven Pounds ten shillings, allowed by the General Court, to discharge their account of time and expence in the affair (said sum to be apportioned on the Several Towns and Districts in the County of Hampshire in the next Province Tax.)"—*Executive Records of the Council,* 1765-1774, *p.* 205.

"June 10, 1767. A Petition of Daniel Stimpson in behalf of the Inhabitants of the Town of Winchendon—Setting forth That there has been a Tax laid upon them by the Government for six years amounting in the whole to £167:3:4 none of which has been yet paid by reason of the smalness of their numbers and their extreme poverty: and praying that the said Tax may be abated, and that they may be exempted from any further Tax, till they shall be better able to bear it.

In the House of Representatives. Read and Ordered that the Town of Winchendon be eased of the Taxes of one hundred and sixty seven pounds three shillings & four pence laid on them for six years past: and that the said Sum be added in this years Tax Bill to the following Towns in the County of Worcester which were eased of the same Tax in proportion as the following Towns were eased by laying the same Tax on the said Winchendon viz^{t} on Worcester, Lancaster, Mendon, Brookfield, Oxford, Sutton Rutland, Leicester, Westborough, Shrewsbury,

Lunenburgh, Uxbridge, Harvard, Dudley, Bolton, Sturbridge Leominster, Hardwick, Western, Douglas & Petersham.

In Council, Read and Concurred, Consented to by the Governor."—*Council Records, vol. XXVII., p.* 37.

"June 11, 1767. On a Motion made and seconded, Ordered, That the Sum of one Hundred and thirty two Pounds be laid on the Towns of Newbury and Newbury-Port, in their several proportions in the next Tax Act, being a Tax laid on the Town of Newbury in 1761, and not paid into the Treasury."—*House Journal*, 1767-68, *p.* 40.

"June 12, 1767. The Committee on the Petition of Timothy Paine, Esq; and others Reported.

Read and Resolved, That the Prayer be granted, and that there be paid out of the publick Treasury to Timothy Paine, and John Murray, Esq'rs thirty Shillings each, and to Moses Marcy, Esq; one Pound four Shillings, being four Pounds four Shillings, in full of the Account mentioned in the Petition, and that the same be added to the Province Tax on South Brimfield the present Year. Sent up for Concurrence."—*Ibid., p.* 46.

Chap. 10. The act of the last year (1766-67, chap. 8), to prevent frauds by the adulteration of potash and pearlash, expired by limitation, July 20, 1767. On the day of its passage, however, the House of Representatives renewed their efforts to ascertain the best processes of making and assaying potash, with a view to such further legislation as would effectually encourage its manufacture and prevent its adulteration, by appointing a committee, consisting of the Speaker, Mr Adams and Mr. Hancock, to write to the Society of Arts, Manufactures and Commerce, in London, relative to the subject, and directing the Speaker to sign and forward the letter.

All that has been discovered of this correspondence is the following reply of Dr. Templeman, the secretary of that society:—

"Sir, The favour of Your Letter was received, which was immediately communicated to the Society; who have directed me to summon the joint Committees for Chemistry and the Colonies on so interesting a subject, and likewise to write Letters to the most eminent Chemists in England, who happen not to be Members of this Society, and to send them Specimens of different sorts of Pot Ash imported from America; requesting them to examine the Pot Ash with the greatest accuracy, and to report their opinions on so important an affair.

As You mention in Your Letter that You are uncertain whether the Process that has been followed in making the Pot Ash is a good one; in order to form a judgment in that particular, the Society request the favour of You to procure and send them an Account of the Process that has been made use of, and also Specimens of the Salt so made, in order to make Experiments thereon.

The Society have much at heart this valuable Branch of Commerce; and think themselves much obliged to the Honourable House of Representatives for this early information. I have the honour to subscribe myself in the name of the Society,

Sir, Your most obedient humble Servant

Strand November 8th 1766 PETR TEMPLEMAN, Secretary

To Thomas Cushing Esq.

Speaker to the Honble House of Representatives

at Boston in New England."—*Mass. Archives, vol.* 59, *p.* 519.

During the third session of the Assembly, the same year, another committee, consisting of Messrs. Hancock, Tisdale, Sheaffe, Dexter and Taylor of the House and Messrs. Danforth, Brattle, Bowdoin and Tyler of the Council, was appointed "to inquire into the process in making potash, and the several assays that have been made for fixing the standard, and report." This committee was completed by the third of February, and, some three weeks later, submitted the following report:—

"The Committee of both Houses appointed for the purposes mentioned in the Second article of the annexed Order, having been informed that two young Gentlemen in the Town of Boston (namely Dr Danforth & Dr Warren) had taken no small pains & made a great variety of Experiments in order to discover the Fraud used in the adulteration of Potash & pearlash and had at length succeeded therein. The Committee applied to those Gentlemen to show a specimen of their skill in that matter, who attended them accordingly & made sundry curious Experiments on those Manufactures, not only on such as were genuine & unmixed, but on such as were adulterated with Lime or Sea salt, as also on such as had been adulterated with both; and made different Experiments for those different purposes, as also an experiment for investigating the greater or less degree of the adulteration. These several Tryals were exhibited in the presence and view of the Committee and the Success of 'em was answerable to what those Gentlemen had (before the making them) given us to expect; and as their method of assaying required as little time as perhaps the nature of the Case will admit of, The Committee are humbly of opinion that these discoveries relative to the Subjects mentioned, are worthy the attention of the Government, as they may be of great advantage for detecting fraudulent practices in preparing those manufactures and for supporting the Credit of an article (for Exportation) of the greatest Importance to this Province.

Which is humbly submitted

W. BRATTLE by order."—*Ibid., p.* 529.

This report was accepted by the Council, Feb. 27, and another committee was nominated, to consider and report what action should be taken "in consequence of said report." In this, the House refused to concur, but ordered the report to be recommitted to the same committee, together with the following petition of William Frobisher.

This person, whose name first appears in the records of the Assembly early in 1765,

as a petitioner in connection with this business, was subsequently generally admitted to be the inventor of the process of manufacturing potash, which came to be universally adopted in the province.* He was afterwards appointed, under the state government, assayer-general of potash and pearlash. His petition which was referred to the above committee was presented some time before the foregoing report was made, and ran as follows:—

"To his Excellency Francis Bernard, Esq^r Governor in Chief in and over his Majesty's Province of the Massachusetts Bay; the Hon^ble the Council and House of Representatives in General Court assembled Jan^ry 28th A. D. 1767.

The Petition of William Furbisher of Boston, Humbly shews, That your Petitioner in the Year 1753 after long Study and indefatigable Industry found the true Way and Method of making Potash in America, and shipped two Tons of the same in the Year 1754 for London, and went himself with the same; which Potash by the Trial of a skilful Chymist and one of the best Soapboiler's, both of London was highly approved of. In September 1755, your Petitioner returned to Boston; at which Time Potash was at a low Price, Insurance and Freight high; for which Reason he was obliged to lay aside the making Potash; and missing his due Reward he was disenabled from pursuing the same, altho' a Reward of £3000—Sterling was granted by Act of Parliament to M^r Thomas Stevens† for his Discovery and Publishment of the same: whose method has since plainly appeared to be of no Service, either to the Mother Country or America; whereas your Petitioner's Plan gave Light to the making whatever has been made good since in America, whatever may be said to the contrary. And to enable your Petitioner to effect the same he was obliged to sell off his utensils for carrying on the Soapboiling, and Tallowchandlers Business, and quitted a well accustomed Shop in Boston, and removed about Sixty Miles in the Woods to fix his Works he, together with M^r Caleb Wilder (who he taught the Business) erected Works, and for some Time employed from 30 to 40 Hands daily; and your Petitioner lost both Hands & Labour. Your Petitioner would represent to your Excellency and Honour, that when he was in London he was at Great Expence and Trouble in attending the Right Hon^ble his Majesty's Commissioners, Chimists, and Soapboilers, in proving the Potash he carried Home to be good, and the Probability of the Mother Country's being supplied with Potash from America, and other advantages that might arise to them by making Remittances, as well as making a Wilderness in America, become a fruitful Field: After all this Your Petitioner returned Home to Boston in great anxiety of Mind, having sunk his all, got greatly in Debt and spent the Prime of Life; Wherefore Your Petitioner humbly prays your Excellency and Honors to take his Case into your wise consideration, with the Schedule hereto annexed, and that you would be pleased to appoint him Assayer of Potash, brought to this Market under such Regulations as in your great Wisdom you shall think proper—and in Duty bound shall ever pray,

Boston Feb^y 9th 1767. W. FROBISHER."—*Ibid., p.* 520.

The following is, probably, the "schedule" referred to in the petition. It is followed, here, by a recommendation from leading citizens of Boston, which seems to have been presented at the same time.

"The fixing a proper Plan for making Potashes to one Standard, and proving it when it is not so, is as interesting to America, as the first Discovery of it was. As a proper Direction, it is to be laid down from the first taking of Wood Ashes to the finishing the Potash: and as this is certainly the Case in Russia & it concerns us to be on the same Footing, or a better if we can: and as I was encouraged by John Hancock, Esq^r to look into the assaying of Potash, and fixing the Regulations to make the same to one Standard of Goodness, I do presume to give Reasons to a Committee of this hon^ble Court, if they shall think fit to appoint one, for the Sediments being so unequal, That is, from ten Grains only, from one Ounce to two Penny weight ten Grains, the Potash equally looking well and merchantable to the Eye; and also to shew how to avoid the same, and to reduce these extravagant Sediments; and also the method to be taken, that the manufacturing of Potash may be fully known in America, and as fully vindicated at Home to be as good as any that ever arrived at the London market from Russia, or elsewhere; and that by this Method the Manufacturer of Potash may make as much in Quantity as he has done formerly, and in my Opinion he may make more; as I judge by my long and daily Experience of almost twenty years in Wood Leeches, I think I have got as much good Lye from fifty Bushells of Ashes as I have got from fifty eight, which is a great advantage; and I would observe, that in Case the Maker of Potash makes a misgo so that the Potash don't turn out to his mind he may be directed how to mend it; and in that Case he bring none to Boston but such as will bear to be inspected. and in another Case, I hope to give Light in England to the Consumption of Potash as ten to one. at present the hard Soap Boilers in England do not make use of Potash in making hard Soap, but Spanish ashes; and I have

* "Pot and pearl ash are placed among the manufactures of Boston, as they were begun here, particularly the former, about forty or fifty years ago, and have been made in it since the revolution. They have now ceased in this town: The price of wood will not admit of their being carried on to advantage in the capital.

* * * * * *

Mr. William Frobisher of this town claims the merit of being the first manufacturer of potash, who thoroughly investigated the process now in use, and communicated it, and demonstrated the superiority of American potash to that of Russian in making soap."—"*Description of Boston,*" (1794), *in Collections of Mass. Hist. Soc., vol.* 3 (*1st Series*), *p.* 281.

† "*Sabbati, 12° die Aprilis; Anno 28° Georgii II^di Regis* 1755.

Resolved, That it is the Opinion of this Committee, That a Sum not exceeding Three thousand Pounds, be granted to his Majesty, to be paid to *Thomas Stephens*, as a Reward for discovering his Method of making Pot Ash, and introducing that Manufacture into the *British* Plantations in *America*."—*Journal of House of Commons, vol. XXVII., p.* 281.

by Experiments found a method of making it with Potash, of which I have a Sample to produce; and as the hard Soap boilers in England are Twenty to one to those that make soft Soap, the Consumption must be vastly increased."—*Ibid.*, *p.* 525.

"Boston Febʳʸ 10th 1767.

We the Subscribers having perused the Schedule annexed to the Petition of Mr William Forbisher, & do approve of his Plan for his making of Potashes to one Standard, and would recommend it to the Consideration of the Honble Court; as a proper Regulation of the same would be of as great advantage to America as the first Discovery of it.

JONATHAN SIMPSON
DANL HUBBARD
WM HUBBARD
NATHL GREENE
BENJ GREENE Jun
JAS GREEN
NICHO BOYLSTON
JONA AMORY
JNO AMORY
JOSEPH & DANL WALDO
WILLIAM PHILLIPS
JOHN ROWE
HENRY LAUGHTON
BLANCHARD & HANCOCK
WILLIAM BOWES
STEPHEN DEBLOIS Jr."—*Ibid.*, *p.* 528.

While the committee had the subject under consideration, after recommitment, Mr. Frobisher addressed to them the following petition:—

"To the Honble Samuel Danforth Esqr Chairman, and the Honble Gentlemen of the Committee relative to my Petition. Whareas I did petition to the honble Court signifying the great Expences and Losses I had been at in the first making of Potash in America: And whereas I have after numerous Experiments, and great Loss of Time and Labour, at Length discovered a Method of making Potash, which will bring it to the merchantable Standard; and which being communicated to the Publick will enable any Person to make it agreable to that Standard, and mend what is of an inferior Quality, so as to bring it up to the Standard; For want of which knowledge the Manufacturers at present labour under great Inconvenience and Discouragements; and the Potash sent to England being of an inferior Quality and of different Degrees of Goodness, make the Value of it to the Purchaser quite uncertain; and by this means it has got into great Disrepute, to the great Detriment of the Province—now as I apprehend the Method I have discovered will serve to bring the Potash made in the Province all to one uniform Standard whereby the Inconveniences aforesaid may be remedied, I beg Leave to make the following Proposal, Vizt That in Case the Honorable Court will make me a Grant of a Sum equal to my Losses aforesaid, being upwards of Seven Hundred Pounds Sterling; the Payment thereof to be made to me within a reasonable Time after it has been found by Experience, that the Method will answer, and be of publick Utility; and of which the honorable the General Court shall be themselves the Judges.—I will communicate my Method of making Potash, and the whole of my knowledge relative thereto.—If it should not succeed the Sum granted will not be paid; but if it should succeed the Benefit arising to the Province, will by many Degrees more than counterbalance the Sum to be granted. This Proposal I pray the Favour of the honorable Committee to communicate to the Great and General Court. I am Gentlemen,

Yr Humble Servant

Boston March 16th 1767. WM FROBISHER."—*Ibid.*, *p.* 532.

On the 19th of March the committee, having been changed by the substitution of Messrs. Taylor and Hussey for Col. Taylor and Mr. Dexter, and Capt. Thayer in place of Mr. Hancock, reported as follows:—

"The Committee of both Houses appointed on the 28th of Janʸ last to enquire into the Process of making Potash—& the several assays that have been made for fixing the standard; To whom also the Petition of Wm Frobisher toogether with a former Report of your said Committee relative to the several Assays (made in their Presence & View) for assaying of Potash—& discovering when the same was adulterated, & to report what may be proper for the Court to do thereon—Having duly considered the same—Report as follows—viz. That the Petitioner Wm Frobisher declared to the Committee that he was not desirous of being concern'd as assayer of Potash—; but in relation to a uniform method of making good & merchantable Potash, He delivered to the Committee certain Proposals in Writing (to be communicated to this Honble Court) relative to the Discovery of such his method for the Benefit of the Publick, Which Proposals are herewith exhibited for the Consideration of the Government.

as as to what respects the Report which was committed to us for Consideration—We are humbly of opinion that for ascertaining the Goodness & Purity of Potash & Pearl ash that may be exposed to Sale for Exportation, & discovering any adulteration therein—and for supporting the Credit of those Commodities—, That one or more assayers be appointed by this Court—for assaying of the same, and that a Bill be prepared & brought in for setting forth their Duty, & regulating the Business that shall be assigned them—

Which is submitted—

W. BRATTLE ℔ order."—*Ibid.*, *p.* 534.

This report was read, and the consideration thereof was referred to the first session of the next Assembly.

At the May session, 1767, the present chapter, differing from chap. 8, 1766-67, only in the omission of § 2, and the exception in § 5, of the former act, was passed; and nothing further of importance relating to this subject appears in the records until the third session, when another committee, consisting of Messrs. Partridge, Sheaffe and Hall, was appointed by the House, "to consider of some methods to prevent the adulteration of potash, and to preserve that manufacture in the province." To this committee, Messrs Brattle and Tyler, of the Council, were subsequently joined.

Mr. Frobisher, soon after, renewed his petition, re-inforced, now, by the certificate of the "Two Emminent Physitians" referred to therein, and a commendatory letter from Benjamin Lincoln, Jr., to his father, in whose manufactory, at Hingham, Frobisher had been performing certain experiments illustrative of his method of making potash. This petition, which, with the accompanying papers, follows below, was immediately referred to the committee above named:—

"To His Excellency Francis Bernard Esq The Honourable the Counsel and the Honourable the House of Representatives in General Court Assembled January. 1768 The humble petition of William Frobisher &c sheweth That, in the year 1751 and 1752, your petitioner was upon the discovery of a process for making pot: ashes, and in the year 1753 discovered, what in fact was the design of the Brittish Parliament, in granting the £3000; viz^{t} for a method, practicable and adapted to the circumstances of the Colonists in general, whereby they might make pot: Ashes equally good, and merchantable with the best then in demand, and which were then purchas'd of Forreigners. In the Year 1754. Your Petitioner, made four Hogsheads and embark'd with them for London; where upon his arrival he apply'd to two Emminent Chymists for Assay, and afterwards to a soap: maker for practical proof of them, all of whom declar'd them posses'd of all the Quality, of the best forreign Ashes: and as such declar'd their readyness in the publick prints, to give an attested proof thereof. At this Juncture M^{r} Stevens. was upon his applycation, and with the Assistance of powerful Friends, obtaind the reward Abovemention'd; for the discovery of, and making publick his process, which with the construction of his utensils time has fully shewn, to be so complex and expensive, that even persons of Fortune could not Attain to the profitable use of them, and must have been attended with the total overthrow of the Manufacture, had not the present, which is a crude immitation of your petitioners process stept in. Thus disappointed, your petitioner had the additional misfortune by a great importation of Russia pot: Ashes, which effected the design of the Russia Merchants in reducing the marketable value of American pot: Ashes upwards of 50 per Cent; and a warr with france which then broke out and enhanc'd the premium for Freight and Insurance, to be Oblidg'd to return to America, and meet his ruin without remydy; having in the undertaking sunk his whole interest upwards of £700 sterling.—Since which time the pot: Ashes made in America, have been so inferior in Quallity, and are now in such disrepute, as to prevent the advantages of this Noble staple, becoming so extensive as otherwise they would. Your Petitioner at the request of John: Hancock esq^{r} having made a thorough exammination into the several causes of this evil and demonstratively prov'd them, with their remydy, in the presence of, and at the Manufactory belonging to Benjamin Lincoln Jun^{r} Esq^{r} at Hingham. by divesting the Alkaline Salts of every heterogeneous matter, even the Neutral salts themselves in a practical course of work, which Neutrals Tho' a grand Objection when Left in the Alkali, yet when seperated appears to have great Medicinal Advantages, as will appear, (Two Emminent Physitians being willing to render the Honourable Court an Account of them if desir'd). Your Petitioner begs Leave to Observe, that his process is calculated, to and has all the advantages of being simple, certain, and cheap, that increases the quantity, and improves the quallity, from the same Materials without Augmenting the expence of the process.—Your Petitioner, thinks it unnessary to enlarge on the advantages that may result from the publication of his Process to the Publick, farther than thus; the saving to the manufacturer in his dust ashes is vastly considerable; the certainty of a Flux which has hitherto been, and must continue to be doubtful. after the present method of work, will be establish'd; and the safety of the merchant here in the purchase, as well his dependance on its reception at home will be secur'd; From all which premises, Your Petitioner flatters himself, that very great advantages must arise from the publication of his process, and your Petitioner, in case the Honourable Court should not think the proofs he has already given sufficient, is willing to give such farther satisfaction as shall be by them required. and Your Petitioner in consideration of a Grant of Un-Appropriated Lands. such as the Honourable Court shall Judge Equall to his past Misfortunes, and the great pains and expence he has been at in the present improvement, is willing to publish his Process, with the whole of his knowledge relative thereto: and if the said process does not prove itself of Publick Utility, desires no consideration, but if it should the Advantages must by far more than Counter ballance the Consideration. And Your Petitioner as in Duty bound Will ever Pray—

William Frobisher."—*Ibid.*, *p.* 541.

"To the whole Court &c The encouragement of useful Arts having ever held an high place in the Character of the most flourishing States, We presume it will not be taken amiss that we recommend to the notice of the Fathers of our Country a Discovery which by four or five months diligent application, and close observation, we have found singularly beneficial to ourselves and patients—M^{r} William Frobisher having extracted a certain substance from Potash in preparation, (which he observes much injures the commodity if left with it) first applied to R. Hirons for his judgment upon it, who after some examination took about two drams of it disolved in water which gently operated three times as a purge, without the least griping, sickness

or uneasiness; and next day communicated the Salt with advice how it appeared and had operated to T. Young. Y—order'd some solutions, filtrations, mixtures of acids and alkalies, ustion, decrepitation &c to be performed on it, at which H— was also present and observing no signs of acid or alkali or any thing more than a strongly fixed Basis of Sea Salt, holding some affinity with the taste of Epsom Salt and operating in a fourth part the quantity with more ease and incomparably greater efficacy as a lenitive purge, and beyond any thing else (of equal safety) ever tryed by either, as a kindly opening and gently deterging alterative, have used it constantly ever since. and their first stock being used up they on their behalf engaged Mr Frobisher to make a batch of Potash on purpose to furnish them with the Salt abovementioned which portion was found equally efficacious with the former—The process for obtaining this salt being known only to Mr Frobisher and Benjamin Lincoln Esq. as the subscribers are informed, they think themselves in duty bound to give this information, that Mr Frobisher may be suitably regarded and the Country put in possession of a medicine which every skillful Practioner, knows has been as great a disideratum * in their Art as Longitude is in Sailing—Numerous instances of the above related Facts will be given at any time when called for—

℔ RICHd HIRONS
THO YOUNG

Boston Janry 15th 1768

* A medicine that in a small quantity and not greatly disagreeable will scour not only the first passages but effectually clear the Kidnies Liver and remoter glands of any slimy or not immovably fixed matter."—*Ibid.*, *p.* 540.

"Honle Sir I have seen Mr William Frobishers Petition to the General Court in which he Prays he may be compensated for his Great care pains & Expence in having made a thorō Examination into the Several causes why Our American Pot-Ashes are of an Inferior quallity & for discovering the Same and a remedy thereof he mentions that his Process is both Simple and certain yt it Increases ye Quantity and Improves ye Quallity without Augmenting the Expence and that he hath Extracted from the Alkali a Neutral Salt which Neutral is of utility in the Medicinal way — This I take to be the Spirit of his Petition and as therein he mentions my being Present when he made the Experiment in Justice to his cause would Observe that I am convinced his method of Preparing the Wood Ashes and his regular Process in making the Pot-ash is to be Prefer'd to ye method which I have Practised upon there remains Little or no doubt in my mind but that upon his Plan the Quantity is Increased & the Quallity of the Pot-ashes Improved by his Extracting therefrom a Salt which upon trial is found to be a Neutral with other Foreign matter Intermixed which Extraction Greatly Facilitates the Flux so that on the whole I am convinced his method will reduce Pot-ashes nerer to one Standard of Goodness for the want of which we have greatly suffered.—

Hingham Jany 22th 1768 I am Sir Your Obedient Son

BENJAMIN LINCOLN JUN".—*Ibid.*, *p.* 545.

After this, except a message from the House, Jan. 26, 1768, that the committee last appointed "may be directed to sit as soon as may be," and the substitution, at the same session, of Mr. Danielson, for Col. Partridge, on the committee, and the appointment of a committee, in the first session of the following year, to bring in a bill (which was never reported), to prevent the adulteration of potash, and later, in that session, the appointment of Dr. Calef, Major Doane, Capt Thomas and Mr. Greenleaf, in place of the Speaker and Messrs. Otis, Sheaffe and Foster, on the committee to consider methods to prevent the adulteration of potash, nothing further appears to have been done. The present chapter was revived and continued, by sundry acts, until after the adoption of the Constitution.

Chap. 11. "June 11, 1767. The Secretary delivered the following Message from his Excellency the Governor to the two Houses respectively viz^{t}

Gentlemen of the Council, and Gentlemen of the House of Representatives.

Last Winter I received a Letter from the Earl of Shelburne signifying his Majesty's Commands that Care be taken that a due obedience be paid to his Majesty's Royal Proclamation for restraining the Indian Trade and preventing encroachments upon the Indian Country. I have reserved the communication of this until the subject matter should come before you in the course of business; which it does now by the time for renewing the Indian Trade Act coming on. I have more than once represented to his Majesty's Ministers that it is not in my power to carry the Proclamation into execution without the aid of the General Court; and that so far as it hath been hitherto obeyed, has been effected by means of the aforementioned Act. I now desire that you will take the whole of the said Letter into consideration and provide for what is required thereby, either by the same Act, or by another as you shall see cause. FRA. BERNARD."—*Council Records, vol. XXVII., p.* 40.

"June 18, 1767. May it please your Excellency.

Your Excellency's Message to both Houses of the 11 Instant together with his Majesty's Royal Proclamation for restraining the Indian Trade & preventing Encroachments upon the Indian Country, as also the Earl of Shelburne's Letter signifying his Majesty's Commands that a due obedience be paid to the said Proclamation, we have most attentively considered—And are convinced that neither were founded upon any Complaints against this Province by his Majesty's Superintendants for Indian Affairs. Nor will any one presume to say 'that the most unprovoked violences and murthers which have been lately committed on the Indians under the protection of his Majesty' were done by this Government; 'or that any one Settlement hath been made by us without proper authority, and beyond the Limits prescribed by his Majesty's Royal Proclamation of 1763; or that We have made Settlements beyond the utmost Boundaries of any Province in America, in consequence of which

the greatest discontents among the Indians have arisen which may endanger the peace of his Majesty s Provinces, and the safety of his Subjects'—We say, may it please your Excellency, it is impossible that these Complaints were made against us because they were without even a colour.

It is with pleasure that we remind your Excellency and inform the world that greater care was taken of the Indians by our pious ancestors during the old Charter, and by this Government under the new, even to this day, than is ordered or recommended either by the Proclamation or the Letter aforesaid—But about three years after the arrival of our Forefathers the first Settlers of the Land viz[t] Anno Domini 1633 they made a Law in these words, "That no person shall henceforth buy Land of any Indian without License first had and obtained of the General Court; and if any offended herein, such Land so bought shall be forfeited"—And lest the Indians should be defrauded in their Trade in the same year they made a Law that no person should trade with the Indians for any sort of peltry &c excepting only such as are authorized by the General Court under the penalty of one hundred pounds for every offence. And so tender was their Regard for them upon other Accounts that there were Indian Instructors provided; the Bible which they were then perfect Strangers to, translated into Indian, as well as other Books the means of Instruction, English and Indian ministers provided for them, the Gospel preached to them, Churches gathered, some of which continue even to this day: By Law severe penalties were to be inflicted upon any that should sell them strong drink: By Law the Justices of every Shire were bound to give it in special charge to the Grand Jury to inquire and present the Breaches of said Laws, Provision was therein made, that when any damage should be done the Indians in their Fields, tho' unfenced, it should be made good by the Town where the Land lay. Provision was likewise made for their being incorporated into Townships, they to be vested with all the priviledges of other Towns. They were impowered from among themselves to appoint Indian Justices to hear and determine small Causes that might arise among the Indians. This was the Care the Government took of the Indians under the old Charter, and this very much endeared the English to them. The Indians had a perfect confidence in the Government, lookd upon them as their civil and spiritual Fathers, and went to them in all their difficulties as Children to a Father.

May it please your Excellency—These are a few of the many Instances of the Care our Forefathers took of the Indians: nor hath the Scene been changed at any time since. There is now a standing Law of this Province made in the Reign of King William and Queen Mary, declaring every deed of bargain & Sale, lease, release &c of any Lands, Tenements or Hereditaments within this Province as well for term of years as forever procured or obtained from any Indian by any person at any time since the year 1635, the year the abovementioned Law was made without license first had and obtained, or that shall hereafter be made or procured without the license & approbation of the Great and General Court or Assembly of this Province for the same, shall be deemed & adjudged in the Law to be null and void & of none effect. The same Care hath been and is now taken of them in every other instance; there are Laws now subsisting prohibiting the English selling strong drink or Trading with them, to prevent their being drunk by the one and cheated by the other: there are Churches and Congregations of Indians in this Province to whom the Gospel is preached, ministers ordained over them, the Sacraments administred to them, Schoolmasters provided for the instruction of their Children, decent respectable Houses for public worship erected, and all without the least expence to them. There are Districts and Parishes in the Province wherein the English & Indians unitedly enjoy the same privileges; and in one of our Towns they unite in voting for Representatives—with respect to the Eastern Indians—By the instigation of the French perhaps as inhumane as themselves: How much and how many Cruelties have our people met with from them? How much human Blood have they spilt? How much Treasure have they obliged us to expend?—Yet when they desired peace, did the Government ever refuse them? and in the year 1726 when a peace was concluded by the then Lieu[t] Governor Dummer, whose memory is precious to them and us, there were Truck houses erected by a Law of the Government, both in the Eastern and Western Frontiers, and the Trade in them was put under the wisest & most equitable regulations in favour of the Indians, and things are sold at the Truck house even to this day, to the Indians, as cheap as they could purchase them singly at Boston. There is not one Tract of Land in the Eastern Country enjoyed by the English, but what was purchased of the Indian Sachems, their Deeds acknowledged and Recorded; and when there has been any Trespasses by any of the English upon the Indians, there hath been the utmost care taken by the General Assembly, if sitting, if not, by the Governor & Council to bring the offenders to condign Punishment.

Nor, May it please your Excellency hath the Government omitted anything that can be suggested from the princi'les of humanity and justice from the year 1633 to this day for the interest of the Indians in their several dispersions throughout the whole Province: the conduct of the Government towards them we glory in, we make our boast of as unrivalled—And we persuade ourselves that your Excellency as the Head of the Province & its Father hath, or will make these Representations to his Majesty's Ministers. Upon the principles of Christianity, upon the Rules of good policy Justice and equity we have ever acted towards them, sensible that the violation of these principles will be attended with fatal consequences, and that if a due obedience had been paid to his Majesty's Royal Proclamation, and a due attention given to proper Restraints on the Conduct of the Indian Traders, those Evils that took place in some of the Southern Governments might have effectually been avoided—It is with the highest satisfaction we reflect upon the Governments Con-

duct relative to the Indians all free and spontaneous on our part, especially as it so happily coincides with his Majesty's Sentiments.

And we do assure your Excellency that being animated by the same Principles, we shall do everything that duty to the King and the Rules of good policy, of justice and equity to the Indians can require.

To the foregoing message his Excellency made the following Reply.

Gentlemen

I never understood that the Charges contained in the Earl of Shelburne's Letter were particularly intended against this Province, as there have been no complaints of this kind made from hence that I know of. There has been but one instance of murther of Indians hapned within my time; and in that, the Government exerted itself to the utmost to discover and punish the offenders, and to give satisfaction to the Indians, in the latter of which we had all desired Success.

The Justice and tenderness which this Government has exercis'd towards the Indians which have been intermixed with the people, is, I believe very well known; such instances as have hapned within my time have been faithfully represented, and the Province has had full credit for them. But still, great care remains to be taken of the Eastern Indians who are not the objects of domestic regulations. And this cannot be done without restraining the hunting and Trading of the English in their Country, which have been & ever will be the Causes of frequent offence given to the Indians in those parts. Injuries of this kind are much better prevented than redressed. I therefore depend that you will carry into present execution the Assurances you give me at the close of your Address, by continuing the present Act for restraining private Trading with the Indians and hunting in their Country which will otherwise expire with the present Session; or by bringing in another Bill for the same purposes."—*Ibid.*, *p.* 65.

Chap. 12. The following extracts are from minutes, in the Public-Record Office, of meetings of the Board of Trade, held at the dates given with the respective entries. They relate to the preparation of the letter to Gov. Bernard, from which a copious extract is given below, respecting a proposed amendment of the annual impost act, suggested by some features of the impost act of 1760–61 (chap. 18).

"Secondly—to propose to him [Gov. Bernard] an amendment to the Act of 'Impost and Tonnage' in order to render it more consonant to the Laws of Trade.

Thirdly—to desire him to transmit an account of the amount of the Duties which have arisen upon the said Law for seven years last past, distinguishing the amount under each particular Article and how much has arisen upon the Importation of Rum, Sugar and Molasses, the produce of foreign Colonies."—"*Trade Papers*," (*Feb.* 2, 1762) *vol.* 64, *p.* 27.

"The Draught of a Letter to the Governor of the Massachusetts* having been prepared conformable to the Directions upon the Minutes of yesterday, was approved and ordered to be transcribed."—*Ibid.*, *Feb.* 3, *p.* 29.

"Upon consideration of the Act for granting to his Majesty certain Duties of Impost and Tonnage, it appears to us, that it would be more correct if in that part of it where it states the duties payable upon Importation of goods in general, there were some words which should restrain the importation of such Goods to those Ships only, which by Law may trade thither.

If an amendment of this nature can be obtained, it will in our opinion render the Act more consonant to the Acts of Parliament for regulating the Plantation Trade, and therefore it is our duty to recommend it to your consideration, when another Act shall be offered for your Assent.

The examination of this Act naturally led us to enquire, what was the annual amount of the duties imposed by it; which we found charged in general in the Treasurers accounts; but as it does not appear from those accounts what has been the amount of the Duties upon each article, We should be glad you would transmit to us an account thereof for seven years last past distinguishing particularly the amount of the duties upon Rum, Sugar and Molasses and what part thereof has been paid upon these Articles imported from Foreign Colonies."—*Lords of Trade to Gov. Bernard, Feb.* 4, 1762: "*Mass. Bay, B. T.*," *vol.* 86, *p.* 134.

"I will order the proper Officer to make out an account of the duties of tunnage and impost specifying the duties upon Rum, Sugar and Molasses as well as he can But I much doubt whether he makes any distinction between Foreign Sugars &c. and those of our own Islands."—*Extract from Gov. Bernard's letter to Lords of Trade, May* 17, 1762: *ibid.*, *vol.* 78, *L. l.*, 37.

"The account of the Impost and Tonnage received with your letter of the 17th of May does not at all answer to that which We required and expected since it does not distinguish what part thereof arises upon the produce of the British and what upon Foreign Colonies; It was your duty to have insisted upon the proper Officer making out the account in the manner We directed or to have given reasons why he could not, and it is with concern that We are obliged to repeat our Orders to you upon this head and to require a punctual and due obedience to them."—*Lords of Trade to Gov. Bernard, Nov.* 24, 1762: *ibid.*, *vol.* 86, *p.* 144.

Upon the receipt of the impost act for 1763–64, this subject again engaged the attention of the Lords of Trade, and they accordingly made the report or representation to the Privy Council, from which an extract is given in the note to 1763–64, chap. 19, *ante*. The Privy Council thereupon passed the following order for the preparation of an additional instruction to the Governor. The instruction itself follows this order and the minutes hereunder given of the action of the Board of Trade in accordance therewith:—

* *Sic:* "Bay" omitted.

"At the Court at St. James's. the 26th day of June 1767.
Present
The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board, a Report from the Right Honorable the Lords of the Committee of Council for Plantation Affairs, upon considering a Representation of the Lords Commissioners for Trade and Plantations, upon sundry Laws passed in his Majesty's Colonies in America and particularly upon an Act passed in the Province of the Massachusetts Bay in New England on the 27th of January 1764, Entituled 'An Act for granting unto His Majesty several Rates and 'Duties of Impost and Tonnage of Shipping.' And it appearing that by a Clause in the said Act, a double Impost is directed to be paid for all goods in general imported by the inhabitants of other Colonies, by which means it might so happen that goods imported from Great Britain and coming thro' the channel or intervention of other Colonies would be subjected to the payment of the Duties of Impost as upon Foreign Commodities—His Majesty in Council taking the same into consideration, is hereby pleased to order, that the said Lords Commissioners for Trade and Plantations do prepare and lay before His Majesty at this Board a Draught of an additional Instruction for the Governor of the said Province to procure an amendment to be made in that particular Clause exempting from Duties of Impost all British Goods coming thro' the Channel of any of the other Provinces or Colonies on the Continent of North America or of the British West India Islands, together with all such Foreign Goods and Merchandize as shall be imported from Great Britain either directed or through the intervention of other British Colonies provided such Foreign Goods &ca have paid the Duties in Great Britain

ROBERT WALPOLE."—*Ibid., vol.* 79, *M. m.*, 76.

"Wednesday July 22nd 1767
At a Meeting of His Majty's Commissrs for Trade and Plantations.
Present
Lord Clare

Sir Edwd Hawke.	Mr Roberts.
Mr Fitzherbert.	Mr Robinson.

* * * * * *

Read the following Orders of His Majesty in Council

* * * * * *

Order of the King in Council dated June 26, 1767, directing the Board to prepare and lay before His Majesty a Draught of an Additional Instruction to the Governor of Massachusets Bay, to procure an amendment to be made in that particular clause in the Impost Act relative to all British goods coming thro' the Channel of any of the other Provinces &ca

The Draught of Additional Instructions conformable to the said Orders having been prepared, were approved and ordered to be transcribed.

* * * * * *

CLARE."—"*Trade Papers*," *vol.* 69, *p.* 248.

"Additional Instruction to Our trusty and Wellbeloved Francis Bernard Esquire, Our Captain General and Governor in chief in and over our Province and Territory of the Massachusetts Bay in New England in America: Given

Whereas it hath been represented to us that by the Laws which have been heretofore annually enacted for several years past in our Province of Massachusetts Bay, for granting several rates and duties of Impost and Tunnage of Shipping; such Duties of Impost have been established with an Exception as to all goods of the produce and manufacture of Great Britain: But that in the Law last enacted for this purpose, the said exception is varied, so as to admit a doubt whether British Goods and Manufactures imported into our said Province from any other Colony may not be subjected to the said Duties; It is therefore Our Will and Pleasure, that you do not upon any pretence whatsoever give your assent to any Laws for granting any Duties of Impost upon Goods imported, unless there be a Clause inserted therein, exempting from Duties of Impost all British Goods coming through the Channel of any of our other Provinces or Colonies on the Continent of North America, or of our West India Islands, together with all such Foreign goods and merchandize as shall be imported from Great Britain, either directly or through the intervention of other our said Colonies, provided such Foreign goods and merchandize have paid the Duties required by Law in this Our Kingdom of Great Britain."—*July* 24, 1767: "*Mass. Bay, B. T.*," *vol.* 86, *p.* 239.

"Feb. 5, 1768. The Secretary went down to the House of Representatives with a Message from his Excellency to acquaint them that he had received an Instruction from his Majesty relative to the Impost Act occasioned by a Clause in the Act passed the last year, a Copy of which Instruction the Secretary laid on the Speaker's Table."—*Council Records, vol. XXVII., p.* 185.

"Feb. 11, 1768. Pursuant to agreement the two Houses proceeded to the choice of Civil officers for the present year when James Russell Esqr. was chosen Commissioner of Impost by a major part of the Council & House of Representatives. Consented to by the Governor."—*Ibid., p.* 198.

Chap. 17. "Feb. 24, 1767. A Petition of Samuel Cobb and Others, Proprietors of the Salt meadow lying on the South side of Martha's Vineyard in Chilmark and Tisbury—Setting forth That for the preservation of said meadow they are obliged to maintain Openings thro' the Beach into the Sea. That there is one Pond in each Town where said Openings should be kept, and a communication between the two Ponds, from whence arises a difficulty with regard to opening both, so as to drain the meadow sufficiently and let in the Salt to preserve the same. That the pond in

Chilmark has for about ten years past been kept open whereby the meadows in Tisbury are in a great measure destroyed. And praying Relief.

In the House of Representatives. Read and Ordered that the Petitioners notify the Proprietors of the meadows mentioned in the Petition, in Tisbury & Chilmark by serving the Proprietors Clerk with a Copy of the same that they may shew cause, if any they have on the second Wednesday of the next Session of this Court why the prayer should not be granted. In Council, Read & Concd."—*Council Records, vol. XXVI., p.* 417.

"June 3, 1767. A Petition of Samuel Cobb and Others Inhabitants of Chilmark & Tisbury, Praying the interposition of this Court for the preservation of certain meadows lying in said Towns, as entered the 24th of Febr last.

In Council, Read again together with the answer of Zachariah Mayhew & others: and Ordered that William Brattle and James Russell Esqrs with such as the honble House shall join, be a Committee to take the same into consideration, hear the parties (if present) and Report.

In the House of Representatives, Read & Concurred, and Capt Bradford, Capt Herrick and Majr Frye are joined in the affair."—*Ibid., vol. XXVII., p.* 18.

"June 11, 1767. The Committee appointed the 3d Instant on a Petition of a number of Proprietors of certain Salt meadows lying in the Towns of Chilmark & Tisbury, made Report, That they had heard the parties and advised them to refer the matter in dispute to three discreet men; and that if the majority of the proprietors living in the respective Towns aforesaid shall agree to the advice given, they have liberty to proceed accordingly: but whether they agree or not, that the three Gentlemen mutually agreed upon by sd parties viz^{t} Capt Timo Folger, Messrs Willm Jarnigan and Thomas Butler make a full Report of their doings to this Court at their next Session; to all which the parties agreed: The Committee were therefore of opinion, that the matter be referred to the second Wednesday of the next sitting of this Court, and that the said Committee then make Report. Provided nevertheless that nothing herein contained be construed to hinder any agreement of the parties or the major part of them in the mean while, or any work that may be agreed upon & be done in consequence thereof. Sign'd WILLIAM BRATTLE ℔ order.

In Council Read and accepted, and thereupon Ordered, That said Committee chosen as aforesaid make Report of their doing at the next sitting of this Court to which is further referred the consideration of this Petition: and that nothing in said Report mentioned shall hinder an agreement of the parties, or prevent their accepting the advice of said Committee, and their acting thereupon as shall be judged most advisable by the major part of the proprietors and owners of said meadows.

In the House of Representatives, Read & Concurred."—*Ibid., p.* 40.

Chap. 19. "June 19, 1767. A Petition of a number of the Inhabitants of that part of Shrewsbury called Shrewsbury Leg—setting forth—That they can with greater ease attend the public worship in the second Precinct in Lancaster than in the Town of Shrewsbury: and that the Town of Shrewsbury have voted to set them off, and the Town of Lancaster to receive them. And praying that they may be set off accordingly and annexed to the second precinct in Lancaster.

In the House of Representatives. Ordered that Mr Thomas, Capt Thayer and Colo Williams with such as the honble Board shall join be a Committee to take this Petition into consideration and report. In Council, Read and Concurred and Thomas Flucker and John Worthington Esqrs are joined in the affair."—*Council Records, vol. XXVII., p.* 78.

"Jan. 22, 1768. The petition of that Part of *Shrewsbury* called *Shrewsbury Leg*, entered *June* 20. [10th] and referred to this Session, was read again and committed to Col. *Ward*, to bring in a Bill. Re-considered and *Ordered* to lie on the Table."—*House Journal, p.* 128.

"Feb. 1, 1768. A Petition of the Inhabitants of that Part of *Shrewsbury* called *Shrewsbury Leg*, praying to be set off to *Lancaster*.

Revived and read again, and *Ordered*, That Col. *Ward*, have Leave to bring in a Bill."—*Ibid. p.* 143.

Chap. 22. "Feb. 24, 1768. In the House of Representatives. Ordered That Colo Warren and Capt Thomas with such as the honble Board shall join be a Committee to Build a Light house near Plymouth Harbour. In Council, Read and Concurred, and Gamaliel Bradford Esqr is joined in the affair. Consented to by the Governor.

In the House of Representatives. Ordered That Capt Sheaffe, Capt Folger and Mr Hall with such as the honble Board shall join be a Committee to prepare Instructions for a Committee appointed to build a Light house near Plymouth Harbour and Report. In Council, Read and Concurred and John Erving and Nathl Sparhawk Esqrs are joined in the affair."—*Council Records, vol. XXVII., p.* 248.

"Mar. 1, 1768. The Committee appointed the 24th Instant to prepare Instructions to the Committee appointed to build the Light house at the entrance of Plymouth Harbour made report, and thereupon the following Order passed viz^{t}—

In Council Read & sent down.

In the House of Representatives, Read and accepted And Ordered That the Committee appointed to build a Light house near Plymouth Harbour be and hereby are directed and impowered to build an House for that purpose on the Gurnet near Plymouth Harbour of the following dimensions viz^{t} thirty feet long, twenty feet high and fifteen feet wide, with a Lanthorn at each end to be large enough for two Lamps with four large wicks in each lamp. The House to be built of wood, and the materials for the Lanthorn as usual. And the Committee are further impowered to agree with the owner of the Land at the Gurnet for the priviledge of Building a House there, and take security for such privilege. In Council, Read and Concurred, Consented to by the Governor."—*Ibid., p.* 268.

"June 15, 1768. In the House of Representatives. Ordered that the Impost Officer be, and hereby is directed to supply the Light house at Plymouth with Oil and other necessaries till the further Order of this Court, upon application from the Committee appointed to agree with some meet person to keep said Light house. In Council, Read and Concurred. Consented to by the Governor.

In the House of Representatives. Ordered that Colº Warren and Capt Thomas with such as the honble Board shall join be a Committee to agree with a meet person to take care of the Lighthouse on the Gurnet near Plymouth Harbour now nearly finished, to report at the next Session of this Court. And that the said Committee be instructed to prepare a proper advertisement to be lodged at the Impost Office, setting forth that a Lighthouse is there erected and the course to steer with safety on sight thereof at Sea. In Council, Read and Concurred, and Gamaliel Bradford Esqr is joined in the affair. Consented to by the Governor."—*Ibid., p. 352.*

"Oct. 20, 1770. In the House of Representatives, Voted that Colº Warren & Capt Anthony Thomas with such as the honble Board shall join be a Committee to take Care of the Light house on the Gurnet near Plymouth Harbour and effectually repair and secure the same. In Council, Read & Concurred and William Sever Esqr is joined in the affair. Consented to by the Lieut Governor."—*Ibid., vol. XXVIII., p. 326.*

"Apr. 25, 1771. In the House of Representatives. Resolved that the Sum of ninety eight pounds, seventeen shillings be paid out of the Treasury to the Committee appointed to build the Light house on the Gurnet near Plymouth Harbour, which Sum together with the Sum of nine hundred and seventy pounds already received by said Committee for that purpose is in full for the same. In Council, Read and Concurred, Consented to by the Governor."—*Ibid., p. 551.*

"April 21, 1772. A Petition of John Thomas Keeper of the Lighthouse on the Gurnet at the entrance of Plymouth Harbour—Praying an allowance for his last years service, which expired on the 14 day of Novemr last, and also a reimbursement of the expence he has been at for Fuel at the said Light House.

In the House of Representatives—Resolved that the sum of sixty pounds be allowed and paid out of the public Treasury to John Thomas Esqr for his services as Keeper of the Light House on the Gurnet for one year ending the 14 of Novemr last, also the further Sum of eighteen pounds, sixteen shillings for twenty Cords of Wood and Charcoal expended at said Light house, and the further sum of two pounds omitted in his last account. In Council, Read and Concurred, Consented to by the Governor."—*Ibid., vol. XXIX., p. 170.*

"Jan. 28, 1773. A Petition of John Thomas—Praying an allowance for his last years service as keeper of the lighthouse on the Gurnet, ending the 14th day of November last, and also for Fuel expended for the use of said Lighthouse.

In the House of Representatives—Resolved that the sum of Sixty pounds be allowed and paid out of the public Treasury to John Thomas Esqr for his service as keeper of the Lighthouse in the Gurnet for one year ending the 14 day of November last, and the further sum of twenty two pounds and sixteen shillings for twenty Cords of Wood and Charcoal expended at said Lighthouse. In Council, Read and Concurred, Consented to by the Governor."—*Ibid., p. 438.*

"July 2, 1775. The committee appointed to consider the expediency of removing and securing the lamps, with the oil, &c., from the several light houses within this colony, have attended that service, and beg leave to report as follows, viz.: That it be recommended to the committee of correspondence, or selectmen of the town of Chelsea, to remove and secure, if practicable, the lamps and oil from the light house at the entrance of Boston harbor, with all the appurtenances thereto belonging; also, that it be recommended to the committee of safety of the town of Gloucester, that the same measures be taken with respect to the light houses on Thatcher's Island, so called, and that the keeper of said lights, with the several boats, cattle, &c., be also removed from thence.

Furthermore, that it be recommended to the committee of correspondence for the town of Plymouth, to remove and secure the lamps, oil, &c., from the light house at the Gurnet, so called, with all the appurtenances thereto belonging; and, that the keepers of the several light houses as above specified, be discharged from the service of this colony, till the further order of this or some future Congress, or House of Representatives."—*Published Journals of the Provincial Congress*, 1774–5, *p.* 442.

"Oct. 6, 1775. In the House of Representatives—Resolved that there be paid out of the public Treasury of this Colony to John Thomas Esq the sum of one hundred and thirty seven pounds nine shillings and six pence in full of his account for keeping the Gurnet Light House eighteen months and supplying the same with wood, oil, candles &c sent up for concurrence In Council Read and concurred Consented to by 15 of the Council."—*Council Records, vol. XXXI., p. 210.*

"Feb. 2, 1778. In the House of Representatives. On the Petition of Hannah Thomas, Executrix to the last Will and Testament of John Thomas Esqr late of Kingston in the County of Plymouth Deceased, Praying for an Allowance for keeping the Light-House on the Gurnett at the entrance of Plymouth Harbour One year five Months and Nine Days ending the Twenty third Day of April Seventeen hundred and Seventy five, at which time the Lights were extinguished. Resolved, That there be allowed and paid out of the Treasury of this State to Hannah Thomas the Petitioner, in her said Capacity, the Sum of Eighty Six Pounds ten Shillings in full for the Services as aforesaid. In Council Read and Concurred Consented to by Fifteen of the Council."—*Ibid., vol. XXXVIII., p. 278.*

"In the Plymouth Lighthouse Bill, the Trust is directed to be managed by a Committee of the House of Representatives this is certainly not analogous to our practice here, yet does not seem materially faulty in such a case."—*Report of Richard Jackson, Jan.* 14, 1771: "*Mass. Bay, B. T,*" *vol.* 81, *O. o.*, 5.

Chap. 23. "May 28, 1763. In the House of Representatives. On a Motion made and seconded Ordered that Colo Clap, Mr Trowbridge, Mr Tyler, Mr Otis and Brigr Dwight with such as the honle Board shall appoint be a Committee to consider the State of the boundary Lines between this Government and the Province of New-Hampshire, the Colonies of Connecticut and New York; and make report as soon as may be.

In Council Read and Concurred and the honble Thomas Hutchinson Esqr James Bowdoin, Israel Williams and Nathl Sparhawk Esqrs are joined in the Affair."—*Council Records, vol. XXV., p.* 9.

"June 1, 1763. The Committee appointed the 28th Inst to consider the State of the Boundary Lines between this Government and the province of New Hampshire, and the Colonies of Connecticut and New York having made report, the following Order passed thereon vizt

In Council Read and Accepted. And Resolved that His Honour the Lieut Governor be desired in the Recess of the Court to prepare a very particular State of the Controversy between this Government and the Governments of Connecticut and New York respecting the Boundary Lines between them,

* * * * * *

& that if the said States Shall be prepared before the General Court shall sit again, that the same be laid before the Governor and Council, and that the same being approved of by His Excellency and the Board be transmitted by the Secretary to the Province Agent In England, as they shall direct; otherwise to be reported at the next Session of this Court. In the House of Representatives Read & Concurred."—*Ibid., p.* 19.

"Dec. 28, 1763. The honourable Thomas Hutchinson Esqr having presented his report made by order of Court respecting the State of the controversies between this Government and the Governments of New York and Connecticut respecting the boundary lines between them. * * The same was passed on as follows vizt

In Council December 22d 1763. Read and sent down

In the House of Representatives December 28th Read and Ordered That this Report be accepted, and that the Secretary be directed to transmit the same to Mr Agent Mauduit as soon may be. In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 103.

"Oct. 30, 1764. The Secretary by order of his Excellency the Governor communicated to the two Houses a Letter from his Honour the Lieut Governor of New York accompanying the Copy of an Act passed by the Legislature of that Province intituled 'An Act for facilitating the Settlement of the Partition Line between the Colony of New York and the Province of the Massachusetts Bay': and likewise delivered the following Message from his Excellency referring thereto vizt

Gentlemen of the Council and Gentlemen of the House of Representatives.

I hereby communicate to you a Letter I have received from the Lieut Governor of New York, and recommend the same to your consideration, together with the inclosure

Province House, October 30, 1764, FRA. BERNARD.

In the House of Representatives: Read and Ordered That this Message with the Papers accompanying the same be committed to the Gentlemen of both Houses appointed to prepare a defence of the territorial Limits of this Province &c to consider and report.

In Council (Novr 1) Read and Concurred."—*Ibid., p.* 304.

"Nov. 2, 1764. In the House of Representatives. Ordered That the Sum of Thirty pounds be paid out of the Public Treasury to the honble Thomas Hutchinson Esqr in full for stating the Case of the Province of the Massachusetts Bay and New York respecting the Boundary Line between the two Provinces; and all other Services performed by his Honor at the special desire of the General Court.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 311.

The foregoing extracts sufficiently explain why the name of Lieutenant-Governor Hutchinson stands first in the commission appointed to settle the boundary between the provinces of New York and the Massachusetts Bay. He had enjoyed exceptional opportunities for the study of the rise and progress of the western settlements, and for a correct understanding of the conflicting claims of jurisdiction by the contiguous governments, in the preparation of his history of his native province, traditions of the government of which, in many unpublished details, he had derived from his kinsmen and associates, who had held important public positions. He had, also, while serving on the committee, doubtless gathered information, and gained experience, in his intercourse with the representatives of the neighboring governments, peculiarly advantageous in negotiating for his constituents; and, moreover, he had received, for his labors, a reward, from the province treasury, that was generous, by the standard then prevailing. It would, therefore, have been imprudent, as well as vindictive, to have, virtually, superseded him in an office for which he had become qualified partly at the public expense—and in which, by his acknowledged learning, industry and address, he could render unequalled service to the province, —solely because of his known obsequiousness to the Crown, especially when that office afforded no chance for the betrayal of the rights of his constituents, through servility to the Crown or through ambition for its preferments.

It is, perhaps, unnecessary to add that nothing their contemporaries have alleged, or the scrutiny of time has revealed, justifies the suspicion that the political opponents of Hutchinson, were, as a body, capable of being actuated by spite, envy or revenge, in their conduct of public affairs.

These facts should be borne in mind when the following passage is read:—

"The house was brought to a publick accusation of the lieutenant-governor Such, however, was the inconsistency of conduct, that, a few days after this charge

of ambition and lust of power, which had special reference to the several posts he sustained, the same house of representatives, in conjunction with the council, added another, though temporary, yet very important post, by electing him the first of three commissioners empowered to adjust and settle a controversy long subsisting between the two provinces of Massachusetts Bay and New York, respecting their boundary lines. This was the more observable, because it had long been the practice, with scarcely an instance to the contrary, to confer such places on such only as were members of one or other of the houses of assembly."—*Hutchinson's Hist. Mass. Bay, vol. 3, p. 177.*

ACTS,

PASSED 1768.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-fifth day of May, A.D. 1768.

CHAPTER 1.

AN ACT FOR GRANTING THE SUM OF THIRTEEN HUNDRED POUNDS, FOR THE SUPPORT OF HIS MAJESTY'S. GOVERNOR.

Be it enacted by the Governor, Council and House of Representatives,

That the sum of thirteen hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury, to his excellency Francis Bernard, Esq[r][*uire*], captain-general and governor-in-chief in and over his majesty's province of the Massachusetts Bay, to enable him to carry on the affairs of this government. [*Passed May* 27; *published June* 30.

Grant of £1,300 for the support of his majesty's governor.

CHAPTER 2.

AN ACT FOR INCORPORATING THE SECOND PARISH OF SOUTH HADLEY, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF GRANBY.

Whereas the inhabitants of the second parish of South Hadley labour under many difficulties and inconveniences, by reason of their not being incorporated into a town,—

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the second parish in the district of South Hadley, with the inhabitants and their lands, as hereafter described; viz[t]., begin[*n*]ing at a pine-tree, marked, standing in Springfield line, one hundred and sixty perch west of Stoney Brook, and on the edge of a large grassy pond; and, from said tree, to run, north, six degrees west, to a ditch ten rods east of Ebenezer Snow's house; thence, north, seven degrees thirty minutes west, one hundred and fifty-five perch, to Stoney Brook, at the south side of Benjamin Church's lot; and then, down said brook, to the north-east corner of the bridge, called Church's Bridge, over said brook; and, from thence, to the south-west corner of Nathan Smith's home-lot[t]; from thence, to the north-west corner of the heirs of Samuel Moody's house-lot, to a stake and stones on the southerly side of the road leading up Cold Hill; then, running, easterly, upon the southerly side of said road, until it comes to the road leading from said Cold Hill, to Phineas Smith's; then, running, on the southerly and south-westerly side of said road, until it comes to the county road lead-

Bounds of the town of Granby described.

ing from Amherst to the west meeting-house in said South Hadley: then, running northerly, and on the easterly side of said county road, until it comes to the land of the heirs of Peter Montague; and, then, to run, easterly, in the dividing line between said Montague's heirs and Phineas Smith's land, until it comes to the land of Hezekiah Smith; then, to run, on the easterly side of Moses Montague's land, and land of the heirs of Peter Montague, deceased, until it comes to Batchellor's Brook; then, up said brook, until it comes to the dividing line, on the north side of said brook, between Joseph Moody's and Eleazer Nash's land; then, running northerly, in said dividing line, until it comes to the county road aforesaid; thence, northerly, a strait line, until it comes to where the road leading to Noah Moody's crosses Elmer's Brook, so called; then, on the easterly side said road so far as the same is laid out; and, from thence, north, six degrees and an-half west, to the northerly line of said district,—be and hereby is incorporated into a town by the name of Granby: and that the said town be invested with all the powers, privileges and immunities that other towns in this province do or may by law enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of the said town shall have full power and right, from time to time, to join with the town of Hadley in the choice of a representative or representatives, who may be chosen from any or either of the towns or districts within the original limits of the an[c][t]ient town of Hadley, and be subject to pay their proportionable part of the charge; in which choice they shall enjoy all the privileges which, by law, they would have been intitled to if this act had not been made; and the selectmen of the town of Hadley shall issue their warrant to one or more of the constables of the town of Granby, requiring them to notify the inhabitants of the town of Granby of the time and place of their meeting for such choice.

Granby to join with Hadley, &c., in the choice of representatives:

—to be notified of the time and place of meeting.

Provided, however,—

And be it further enacted,

[SECT. 2.] That the land[s] of Phine[h]as Smith, not included by the line aforesaid, within the town of Granby, be annexed to, and considered and accounted as part of, the said town of Granby, and shall enjoy privileges and do duties there as part and parcel of the same.

And be it further enacted,

South Hadley parish-line, described.

[SECT. 3.] That the dividing line between the town of Granby and the first parish of South Hadley, be and hereby shall be the parish line, for the future.

And be it further enacted,

Granby to have their proportion of town stock,

[SECT. 4.] That the said town of Granby shall have their proportion of the monies, in the treasury of the district of South Hadley, that are not appropriated; and also their proportion of what is assessed and not collected shall be divided between the said town of Granby and the first parish in South Hadley, agre[e]able to the last province tax; and also the said town of Granby shall have their proportion in the town stock of ammunition, school money, weights and measures, pound and stocks, and schoolhouse.

And be it further enacted,

—and to pay their proportion of the charge of the poor,

[SECT. 5.] That the expence to which the district of South Hadley are subjected for the support of their present poor, shall, for the future, be borne and discharged by the said district and the said town, in the proportion as they paid to the province tax set on said South Hadley for the last year.

Provided, nevertheless,—

And be it further enacted,

—and of all town, county

[SECT. 6.] That the said town of Granby shall pay their proportion of all town, county and province taxes already set on or granted to be

raised by said district of South Hadley, as if this act had not been made. and province taxes.

And be it further enacted,

[Sect. 7.] That Eliezer Porter, Esq[r]., of Hadley, be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town of Granby, requiring him to notify and warn the inhabitants of said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of the said town. [*Passed June* 11.] Eleazer Porter, Esq., to call a meeting of the inhabitants.

CHAPTER 3.

AN ACT FOR INCORPORATING THE NORTH-WESTERLY PART OF DEERFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT BY THE NAME OF SHELBURNE.

Whereas it appears to this court that the incorporating the north-westerly part of the town of Deerfield, in the county of Hampshire, into a separate district, would relieve the inhabitants already settled there from many difficulties they now labour under, and tend greatly to encourage others to settle thereon,— Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the north-westerly part of the said town of Deerfield, bounded as follows; viz[t]., begin[n]ing at the north-westerly corner of the district of Greenfield; from thence, southerly, upon the west line of the said Greenfield, to the south line of said Greenfield; thence, east, upon the said south line of said Greenfield, until it come to a line in said Deerfield, called the Seven-mile Line; thence, southerly, upon the said Seven-mile Line, to the south side of the lot on which John Taylor now lives; thence, westerly, upon the south line of said lot, to the west end of the said lot; thence, southerly, upon a line parral[l]el with the said Seven-mile Line, until it comes to the south side of the third lot from the said Taylor's lot; thence, upon a line extended westerly, the same point of compass with the said south line of the said third lot from the said Taylor's lot, until it meets with the north line of Conway; thence, upon the said north line of the said Conway, to the north-west corner thereof; thence, upon the west or westerly line of the said town of Deerfield, to the north-west corner of said Deerfield; thence, upon the north line of the said Deerfield, to the first-mentioned bounds,—be and hereby is erected into a district by the name of Shelburne: and that the inhabitants thereof be vested with all the powers, privile[d]ges and immunities which the inhabitants of the towns within this province do enjoy, excepting only the privile[d]ge of sending a representative to the general assembly; and that the inhabitants of the said district shall have liberty, from time to time, to join with the said town of Deerfield in the choice of a representative or representatives; which representative or representatives may be chosen indifferently, from the said town or district, or the districts of Greenfield or Conway already joined with the said town of Deerfield; the pay and allowance of such representative or representatives to be born[e] by the said town and the said districts, according to their respective proportions of the province tax; and that the said town of Deerfield, as often as they shall call a meeting for the choice of a representative or representatives, shall, from time to time, give seasonable notice, to the Bounds of the district of Shelburne. To join with Deerfield, &c., in choosing rep resentatives. Town of Deerfield to notify the time for such choice to

be made, in said town.

clerk of the said district of Shelburne for the time being, of the time and place for holding said meeting, to the end said district may join therein; and the clerk of the said district shall set up, in some public place in said district, a notification thereof accordingly; the meeting for the choice of a representative or representatives to be held in the said town of Deerfield, and to be regulated by the selectmen of the said town of Deerfield.

And be it further enacted,

Shelburne to pay their proportion of taxes, as herein set forth.

[SECT. 2.] That the said district of Shelburne shall pay their proportion of all town, county and province taxes, already set on or granted to be raised, as if this act had not been made; and that of the sum set on the said town of Deerfield, as their proportion, with other towns, to a tax of one thousand pounds, for the future, the said town of Deerfield shall retain the said sum, except the sum of eight shillings and sixpence; which shall be deducted from the said sum, set on the said Deerfield, and put on the said district of Shelburne, as their proportion of public taxes.

And be it further enacted,

Thomas Williams, Esq., to notify the first meeting.

[SECT. 3.] That Thomas Williams, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant in the district of Shelburne, requiring him to warn the inhabitants of the said district to meet and assemble, at some convenient time and place, in said district, in order to chuse such officers as, by law, towns are impowered to chuse in the month of March, annually.

And be it also further enacted,

Qualification of voters.

[SECT. 4.] That the inhabitants of the said district of Shelburne who, in the last tax in the town of Deerfield, were rated one-half part so much for their estates and faculties as for one single poll, shall be allowed to vote in their first meeting, and such other meetings as may be called in said district, until a valuation of estates shall be made by assessors there. [*Passed June* 21; *published June* 30.

CHAPTER 4.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF EIGHTEEN THOUSAND POUNDS.

Preamble.

WHEREAS no provision is made to defr[e][a]y the charges of the government for the present year; *and whereas* the treasurer has represented to this court, that, when the taxes for the year one thousand seven hundred and sixty-seven are paid into the treasury, there will be a surplusage in the treasury of at least eighteen thousand pounds,—

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £18,000.

[SECT. 1.] That the treasurer be and he is hereby directed to apply the afores[ai]d sum of eighteen thousand pounds to defr[e][a]y the charges of government for the ensuing year, to be issued in the manner

How appropriated.

following; that is to say, the sum of seven thousand pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the payment of grants made or to be made by this court; and the further sum of three thousand five hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the payment of his majesty's council, and the members of the house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of five hundred pounds, part of

the aforesaid sum of eighteen thousand pounds, shall be applied for the purchasing provisions and the commissary's disburs[e]ments for the service of the several forts and garrisons within this province; and the further sum of two thousand pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the discharge of debts owing from this province to persons who have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assign[e]d them for that purpose, and for paper, writing and printing for this court, and repairs of the province-house, court-house, lighthouse[s]; wood at Castle William, and repairs of fortifications within this province; and the further sum of four thousand pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the payment of expences of the several forts and garrisons within this province; and the further sum of nine hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied for the payment of the bounty upon wheat and flour; and the further sum of one hundred pounds, part of the aforesaid sum of eighteen thousand pounds, shall be applied to pay such contingent and unforeseen charges as may arise, and for no other purpose whatever.

And be it further enacted,

[Sect. 2.] That the treasurer pay the aforesaid sum of eighteen thousand pounds out of such appropriations as shall be directed by warrant, and no other; and the secretary to whom it belongs to keep the muster-rolls and account of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts of charge, after payment thereof. [*Passed June* 23; *published June* 30.

Treasurer to pay the money out of the appropriations directed by warrant.

CHAPTER 5.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT FOR ERECTING THE NEW PLANTATION CALLED HUNTSTOWN, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF ASHFIELD."

Whereas by the act, intitled "An Act for erecting the new plantation called Huntstown, in the county of Hampshire, into a town by the name of Ashfield," it is, among other things, enacted "That all taxes already raised for settling a minister, or that may be raised for his support, for building a meeting-house, clearing and repairing roads, be levied on the several proprietors of said plantation, according to their interests, until the further order of this court; and that said inhabitants and proprietors of said town, proceed by the same rules, in levying and collecting said taxes, as proprietors in new plantations are obliged, by law, to observe"; which paragraph in said act is, in several respects, insufficient for the purpose for which it was designed, and some provision is absolutely necessary, to enable the proprietors of the lands in said town to levy and collect the monies by them already granted for the purposes aforesaid, and to enable them to grant, assess, levy and collect such further taxes and assessments as may be necessary for the [*same purposes* *],—

Disallowed by the privy council, July 31, 1771. Preamble. 1765–66, chap. 13, § 3.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the proprietors of the lands in said town of Ashfield, divided or undivided, be and they are hereby impowered, at any meeting or meetings of said proprietors, warned and called agre[e]able

Proprietors of lands in Ashfield to choose officers:

* In the parchment these two words are obliterated.

to the directions of one law of this province, made in the twelfth year
1712-13, chap. 9. of the reign of her late majesty Queen Ann, intitled "An Act directing how meetings of proprietors of lands, lying in common and undivided, may be called," by a major vote of said proprietors, to be collected according to their interest in the same lands, to make choice of a clerk, treasurer and assessors, and any other officers that proprietors of
—and agree upon raising money, common and undivided lands may chuse; and also may agree upon the raising, assessing, levying and collecting all such sums of money as they shall judge necessary to compleat the building and finishing of their meeting-house, and the settlement and support of their minister, and for the laying out, making, clearing and repairing of public and private ways there, until this court shall otherwise order; and that the monies so granted shall be assessed upon the lands, of each original right in the
—on the 250-acre rights. said town, that are already laid out or agreed to be laid out, being two hundred and fifty acres to each right; and that every part of the said two hundred and fifty acres, in whose hands soever the same may be, shall be and hereby is subjected to the payment of its proportionable part of such monies so granted for the purposes aforesaid.

Preamble. *And whereas*, before the act of incorporation aforesaid, a tax of forty shillings, on each original right, was agreed upon and assessed by said proprietors, which is but partly collected; and, since the said act of incorporation, another tax of twenty shillings, on each original right there, has been agreed upon and assessed, and no part thereof collected; both which taxes were, by said proprietors, agreed upon and appropriated to the purposes aforesaid only,—

Be it enacted,

The 250-acre rights subjected to the payment of taxes: [SECT. 2.] That what remains unpaid of the said two taxes, and all future taxes that may be agreed upon and made, agre[*e*]able to the foregoing provisions in this act, shall and may be levied of the said two hundred and fifty acres already laid out, or voted and agreed to be laid out, by said proprietors; and every part of the said two hundred and fifty acres, in whose hands the same may be, shall be liable to the payment of a proportionable part thereof; and that if any proprietor of any such lands, as aforesaid, shall neglect or refuse to pay his proportion of any such taxes heretofore duly assessed, or hereafter to be assessed, agre[*e*]able to this act, the assessors of such taxes are hereby impowered
—otherwise the lands may be sold. to make sale of such delinquent proprietor's land there, for the payment thereof, in the same manner as hath heretofore been provided in an act or law of this province, made in the second year of his present majesty's
1761-62, chap. 44. reign, intitled "An Act to subject the unimproved lands within this province to be sold for payment of taxes assessed on them, by order of the great and general court, and votes and agreements of the proprietors thereof, and to enable proprietors of new plantations to levy province and county taxes laid on them." [*Passed June* 24; *published June* 30.

"* * * by this Act the proprietors of Lands in the above Township of Ashfield are impowered to levy and collect such Taxes and Assessments as they shall judge necessary to compleat the building of a Meeting House and for settling and supporting an Independent Minister; And this Act further directs that the Monies so granted shall be assessed upon the Lands of each original right in the said Town consisting of 250 Acres each every part of which in whose hands soever the same may be is made subject to the payment of its proportionable part of such monies so granted for the purposes aforesaid.

This Clause, whereby all persons of whatever sect or persuasion in religion, occupying Lands in this Township are equally and indiscriminately taxed for the support of the Independent Church therein established, is in our opinion equally unusual and unreasonable particularly in the case of the Sect commonly called the Antipedobaptists, it appearing that out of seventeen families of which this Township, at its first settlement consisted, twelve of them were of the above sect or persuasion, We therefore beg leave humbly to propose to Your Majesty to signify Your Royal disallowance of this Act."—*Representation of the Lords of Trade, May* 31, 1771: "*Mass. Bay, B. T.*," *vol.* 86, *p.* 309.

CHAPTER 6.

AN ACT IMPOWERING THE ASSESSORS OF THE TOWN OF WINDHAM, IN THE COUNTY OF CUMBERLAND, TO ASSESS, YEARLY, FOR THREE YEARS NEXT [I][*E*]NSUING, ONE PEN[*Y*]Y PER ACRE ON EVERY OF THE HUNDRED ACRE LOT[T]S IN SAID TOWN ALREADY LOTTED OUT, AND NOT OTHERWISE TAXED; MINISTERIAL AND SCHOOL LANDS LYING IN SAID TOWN, EXCEPTED.

Be it enacted by the Governor, Council and House of Representatives,

Assessors of the town of Windham to assess, annually, one penny per acre on the 100-acre lots in said town.

[Sect. 1.] That the assessors of the town of Windham, in the county of Cumberland, be and hereby are authorized and impowered annually to assess, for three years next [i][*e*]nsuing, one pen[*n*]y per acre on every of the hundred acre lotts already lotted out in said town, not otherwise taxed: ministerial and school lands lying and being in said town, excepted; and that the said town of Windham be impowered, at each and every of their ann[a][*i*]versary March meetings, for the said three years next [i][*e*]nsuing, to chuse one collector, an inhabitant of the town of Windham, to serve for and during the year for which he shall be chosen, and to take the oath commonly taken by collectors of towns; who shall well and truly collect the sum and sums assessed by the afores[*ai*]d assessors, in pursuance of this act, on the hundred-acre lots in said town as aforesaid; and that one half of the money that shall be raised by said tax, be paid, by the collector for the time being, into the hands of the treasurer of said town of Windham for the time being, to be, by such treasurer of said town of Windham, annually, appl[y][*i*]ed to the [paying the] minister[*s*] and other town charges; the other half to be paid into the hands of the proprietors' treasurer for the time being, to be, by s[*ai*]d proprietors or their order, annually appl[y][*i*]ed to the opening and making passable such ways, already planned or laid out, as still remain in [a] wilderness state in said town of Windham.

Collectors to be chosen to receive and pay the money to the town treasurer:

—to be applied to the making passable ways.

And be it further enacted by the authority aforesaid,

Penalty on collectors refusing to serve.

[Sect. 2.] That if any collector or collectors, duly chosen at either of the annual March meetings in said town of Windham, during the term aforesaid, shall neglect or refuse to serve in said office, the collector so neglecting or refus[e]ing shall forfeit and pay the sum of five pounds, to the use of said town, to be recover'[*e*]d in manner as the law directs for prosecuting persons refus[e]ing to serve in the office of a constable; and the said town may and are hereby impowered to chuse another collector in his or their stead.

Other collectors to be chosen.

Assessors to post, and make sale of, lands of delinquent proprietors.

[Sect. 3.] And if any or either of the proprietors and owners of the said hundred-acre lots, or either of them, not otherwise taxed, lying and being in the town of Windham, shall neglect or delay to pay to the collector or collectors for the time being, the sum from time to time levied or assessed upon their hundred-acre [lott or] lot[t]s as aforesaid, for forty days after such assessment is made, and published by posting up notifications thereof in said town of Windham, in the shire town of the county of Cumberland, and in Marblehead, that then and in such case it shall and may be lawful for such assessors to post up, in s[*ai*]d town of Windham, the shire town of the county of Cumberland, and in Marblehead, notifications of the intended sale[*s*] of so much and no more of such delinquent proprietors' lands as they shall judge necessary to pay such rates and taxes, and other necessary and intervening charges, two months before the same be sold; and if any of the said proprietors of the said hundred-acre lots do not, by that time, pay such

rates or assessments and charges, then and in that case it shall and may be lawful[l] for the assessors, at a public[k] vendue, to sell so much of the delinquent proprietors' lands as shall be sufficient to pay the tax and charges arising upon the sale of said land, and execute absolute deed or deeds, in law, for the conveying of such lands to the person or persons who shall give most for the same; which deed shall be good and valid, to all intents and purposes in law, for conveying such estates to the grantees, their heirs and assign[e]s forever; and if the said land be sold for more than the taxes and intervening charges, the overplus to be paid to such delinquent proprietors, or their order; the money for which the delinquent proprietors' lands shall be sold, to be lodged in the hands of the treasurer of the town of Windham and the proprietors' treasurer, in equal[l] division, reserving to the non-resident proprietors, whose lands shall be sold as aforesaid, a right of redemption for themselves, their respective heirs and assign[e]s, within twelve months from the time of the sale of such delinquent proprietors' lands, they paying the sum or sums for which the lands were sold, with double interest until the same be redeemed.

Overplus money to be returned.

Right of redemption, reserved.

And be it further enacted,

A town-meeting to be called in July.

[SECT. 4.] That the inhabitants of Windham be and hereby are authorized and impower'[e]d to call a town-meeting, some time in the month of July next ensuing, to chuse one collector, an inhabitant of Windham aforesaid, and that, for the purposes aforesaid; to serve in said office this present year. [*Passed June* 24; *published June* 30.

CHAPTER 7.

AN ACT FOR THE REMOVAL OF THE PRISONERS FROM HIS MAJESTY'S GOAL IN THE COUNTY OF BARNSTABLE, TO HIS MAJESTY'S GOAL IN THE COUNTY OF PLYMOUTH.

Preamble.

WHEREAS it has been represented to this court, by the justices of the court of general sessions of the peace, in the county of Barnstable, that the goal in that county is insufficient, and that the said justices have ordered a new one to be built, which is ready to be erected in the place where the old goal stands; and they desire the aid of this court for the removal of the prisoners that are or may be committed to goal, in the said county of Barnstable, while a new goal is building there,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Prisoners to be removed from Barnstable to Plymouth.

[SECT. 1.] That the sheriff of the county of Barnstable be directed to remove the prisoners in the goal in the county of Barnstable, to his majesty's goal in the county of Plymouth, while the new goal is building in the said county of Barnstable; and the sheriff of the county of Plymouth is hereby impowered and directed to receive such prisoners into his custody, and the same safely to keep, until the goal in the county of Barnstable is fitted to receive them again, or may be otherwise discharged by due order of law; and also to receive any prisoners into Plymouth goal, that may be committed, by lawful authority, from the county of Barnstable, while the goal in that county is building; and the sheriff of the county of Barnstable, or his deputy or deputies, are hereby fully authorized and impowered to remove the prisoners that are or may be in Barnstable goal, at the time said goal is about to be pulled down, to the goal in Plymouth aforesaid, and deliver them to the

sheriff of the county of Plymouth, that he may confine them in Plymouth goal, as aforesaid, until the goal in Barnstable is fitted to receive them; and so soon as the goal in the county of Barnstable is finished, the sheriff of the county of Barnstable, or his deputy, are hereby also directed and impowered to remove such of the said prisoners as shall then be detained in custody there, back to [*to*] the goal in Barnstable.

To be removed back when Barnstable jail is finished.

[Sect. 2.] And the sheriff of the county of Barnstable, and any other officer or officers of the said county, or of any of the towns in said county, that, at any time during the building said goal, shall have any execution, warrant or process whatsoever, by virtue of which they might legally commit any person or persons to the goal in said county of Barnstable, if the same were fit to receive and restrain them, shall be and hereby are impowered to commit such person or persons to the goal in said county of Plymouth; and the sheriff of the said county of Plymouth shall be and he [is] hereby [*is*] impowered and directed to keep and detain such persons in the same manner as the sheriff of the said county of Barnstable would have been if they had been committed to the goal there; and that any person or persons obstructing or hindering the said officers and their assistants in removing or committing any prisoners as aforesaid, shall be liable to the same pains and penalties as for opposing and obstructing such officers in the execution of their several offices, in similar case, in their own respective precincts.

Sheriff of the county of Barnstable empowered to commit prisoners to Plymouth jail.

Sheriff of Plymouth County to detain such prisoners.

Penalty for opposing such officers.

And be it further enacted,

[Sect. 3.] That the sheriff of the county of Barnstable, as well as the said county of Barnstable, be liable to make good all damages that may arise upon the escape of any prisoner or prisoners for debt, or any other prisoners, on their removal to Plymouth goal, and back again, in the same manner as they are now respectively liable to, in case of such prisoners escaping out of the present goal in the county of Barnstable. [*Passed June* 24; *published June* 30.

Sheriff and county of Barnstable, liable for escapes in removing.

CHAPTER 8.

AN ACT TO ESTABLISH A TOLL ON THE BRIDGE LATELY BUILT OVER THE WESTERMOST BRANCH OF SACO RIVER, FROM BIDDEFORD SIDE TO INDIAN ISLAND, IN THE COUNTY OF YORK.

Whereas the bridge lately built over the westernmost branch of Saco River, from Biddeford side to Indian Island, has been erected at a great expence to the undertakers; and the said bridge is found to be of general use and public utility,—which expence it seems reasonable should be refunded and paid to the undertakers, and the bridge for the future be supported, and kept in good repair,—

Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the twentieth day of July next, the said bridge be a toll-bridge, for the term of five years; and that there be paid by every footman who shall pass said bridge, the sum of one penny; and for every man and horse, the sum of threepence; and for every two-wheel chaise, chair or sleigh, and horse, with the travellers therein, sixpence; for every team with a cart or sled, the sum of sixpence; for all horse-kind or neat cattle, a penny per head; and for every four-wheel chaise, including passengers, one shilling; and no more.

Toll established, and the several rates.

And be it further enacted,

[Sect. 2.] That Amos Cha[s][*c*]e, Thomas Cutts, Benjamin Nason and Thomas Gillpatrick, who built the said bridge, be and hereby

Court of sessions to appoint a toll-gatherer

are impowered to appoint some suitable person to receive said tolls, who shall be approved of by the court of general sessions of the peace in the county of York, and who shall give such security for the faithful performance of his duty and attendance at said bridge, as the said court of general sessions of the peace shall, from time to time, order; and the said person so appointed and approved of as aforesaid, shall faithfully attend [*upon*] his duty, and [at] all times be ready, between the hours of five o'[f the] clock in the morning and nine in the evening, to admit any person to pass the said bridge, upon the penalty of twenty shillings for any neglect; and in case he shall not be present to admit persons to pass the bridge, between the hours of nine in the evening and five in the morning, he shall leave the passage free and open.

Time of his attendance.

And be it further enacted,

To account for moneys he shall receive,

[SECT. 3.] That the said person so appointed and approved of as aforesaid, shall, from time to time, when demanded, exhibit an account of the monies he shall receive as aforesaid, on oath, if required, to the said Amos Cha[s][*c*]e, Thomas Cutts, Benjamin Nason and Thomas Gillpatrick, their heirs and assigns, and pay them the same; which monies, to be received by them by virtue of this act, shall vest in them, their respective heirs, executors and administrators, in equal parts and shares, for and during the term of five years.

And be it further enacted,

[SECT. 4.] That the said Amos Cha[s][*c*]e, Thomas Cutts, Benjamin Nason and Thomas Gillpatrick, their heirs and assigns, shall keep the said bridge in good repair; and that said tolls shall be continued during the aforesaid term of five years; and they, and each of them, are hereby impowered to refuse a passage over said bridge to any person or persons, till the payment of the tolls required by this act.

And be it further enacted,

—and render an account to this court.

[SECT. 5.] That the said Amos Cha[s][*c*]e, Thomas Cutts, Benjamin Nason and Thomas Gillpatrick, their heirs and assigns, shall keep, and exhibit to this court, when required, an account of all monies received by tolls, by virtue of this act, and an account of the expences of supporting the said bridge.

And be it further enacted,

Penalty for receiving more than the rates herein specified.

[SECT. 6.] That if the keeper of the said bridge shall, at any time, demand or receive a greater toll than what is required and allowed by this act, he shall, for every such offence, be subject to the penalty of twenty shillings.

How to be disposed of.

[SECT. 7.] And all penalties and forfeitures arising by virtue of this act, or any clause therein, shall be disposed of in the manner following; viz[1]., one half to and for the use of this government, to be paid into the province treasury; and the other half to him or them that shall sue for the same in any of his majesty's inferio[*u*]r courts of common pleas,—or before any justice of the peace, when the said penalty doth not exceed the sum of forty shillings. [*Passed June* 24; *published June* 30.

CHAPTER 9.

AN ACT TO ENABLE THE ASSESSORS OF THE TOWN OF CHARLEMONT TO COLLECT ALL THE TAXES GRANTED ON THE LANDS IN THE SAID CHARLEMONT.

Preamble.

WHEREAS the general court, at their session in February, in the year one thousand seven hundred and sixty-seven, ordered that a tax of one penny per acre, yearly, for the term of three years, be granted upon

all the lands in the said town of Charlemont,—publick lands excepted—and that the money thereby arising should be applied as follows; to wit, fifty pounds, part of the said money, towards finishing the meeting-house already set up in the said town of Charlemont; and that the remainder of the said money be applied to pay for preaching the gospel and settling and supporting a minister: which said tax remains unpaid; *and whereas* there is not any provision made for collecting the said tax,—

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the assessors for the said town of Charlemont, for the time being, are empower'[e]d and required to assess the sum of twopence per acre, upon the owner or owners, proprietor or proprietors, of all the lands in the said town of Charlemont except the lands as before excepted,—being twopence of the said tax granted as aforesaid; and in case the proprietor or proprietors of any of the said lands shall neglect or delay to pay to the said assessors the said sum of twopence upon the acre, assessed on him, for sixty days after such assessment is made, and published by posting up the same in some publick place in said town of Charlemont, and in the shire town of the county of Hampshire, that then and in such case it shall and may be lawful[l] for the said assessors to post up, in some public[k] place in the said Charlemont, notifications of the intended sale of so much, and no more, of such delinquent proprietor's land as they shall judge necessary to pay and satisfy the said tax of twopence upon the acre, and other necessary and intervening charges, three months before the same is sold; and also the said assessors shall be obliged, for the notification of the non-resident proprietors, to advertize, in all the several Boston newspapers, three several weeks, the intended sale, at least three months before the land be sold; and if any delinquent proprietors do not, by that time, pay the said twopenny tax, and charges, then and in that case it shall and may be lawful for the said assessors, at a publick vendue, to sell, and execute absolute deeds, in the law, for the conveyance of, such lands of the proprietors, to the person or persons who shall give most for the same; which deeds shall be good and valid, to all intents and purposes, in the law, for conveying such estates to the grantees, their heirs and assigns, forever; and if the said lands be sold for more than the tax and charges, then the overplus money, arising by such sale, to be paid to such delinquent proprietor, or his order: the money which such lands shall be sold for to be lodged in the hands of the treasurer of the said town of Charlemont, who is hereby directed to attend the orders of the said assessors, for payment of the same, according to the intentions and meaning of the said grant; reserving to such non-resident proprietors as are not inhabitants of this province, their heirs or assigns, liberty of redemption of their lands so sold.—they paying to the grantees, or their heirs, respectively, within one year afterwards, the sums for which the said lands were sold, with double int[e]rest untill the same be redeemed.

Twopence per acre, granted on lands in Charlemont.

In case of non-payment, lands to be sold, after due notification

Overplus money to be lodged with the treasurer of said town.

And be it further enacted,

[Sect. 2.] That the assessors which shall and may be chosen for the said town of Charlemont, for the year one thousand seven hundred and sixty-nine, are empower[e]d and required to assess one penny per acre upon the owners or proprietors of the lands in the said town of Charlemont, except the lands as before excepted; which said assessors for the said year one thousand seven hundred and sixty-nine, for the assessing and collecting the said one-penny tax, are to proceed in the same manner as the assessors of the said town of Charlemont, for the time being, are empowered and required; and the proprietors of

Reservation respecting proprietors not inhabitants of the province.

Assessors directed.

any of the lands so sold, and who are not inhabitants of this province, shall and may have the same liberty for the redemption of their lands, as is above granted to proprietors not inhabitants of this province, for the redemption of their lands sold for the payment of the said two-penny tax.

And be it further enacted,

Assessors to pay the money collected, to the treasurer of Charlemont.

[SECT. 3.] That the said assessors for the said year one thousand seven hundred and sixty-nine, shall pay the money arising by the said sale, for the payment of the said one-penny tax and charges, to the treasurer of the said town of Charlemont for the said year one thousand seven hundred and sixty-nine; and the said treasurer is directed to attend the orders of the said assessors for the said year one thousand seven hundred and sixty-nine, for the payment of the said mon[*e*]y, arising by the sale of the said lands for the payment of the said one-penny tax and charges, according to the intentions and meaning of [the] said grant. [*Passed June* 24; *published June* 30.

CHAPTER 10.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, AND NEAR EXPIRING.

WHEREAS the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz[t]., one act made in the thirtieth year of the reign of King George the Second, intit[*u*]led "An Act to prevent damage being done on the lands lying in the township of Yarmouth, called Nobscusset;" one act made in the third year of his present majesty's reign, intit[*u*]led "An Act declaring and regulating the standard of wheat imported into this province, and for preventing abuses by millers;" two acts made in the fifth year of his present majesty's reign; one, intit[*u*]led "An Act to prevent damage being done in the woods in Plymouth, Sandwich, Barnstable, Falmouth and Wareham, by hunting with hounds and dogs;" the other, intit[*u*]led "An Act for the preservation of the beach and harbour in the town of Plymouth,"—

Act to prevent damage at Nobscusset. 1749-50, ch. 15.

For regulating the standard of wheat. 1762-63, ch. 19.

To prevent damage in Plymouth woods, &c. 1765-66, ch. 12.

For preservation of Plymouth Beach and Harbor. 1765-66, ch. 20.

Be it therefore enacted by the Governor, Council and House of Representatives,

Continued to August, 1770.

That such of the before-mentioned acts as are expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing, therein respectively contained, and shall be in force, until the first day of August, one thousand seven hundred and seventy, and no longer. [*Passed June* 24; *published June* 30.

CHAPTER 11.

AN ACT FOR CONTINUING AN ACT INTIT[*U*]LED "AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS WITHIN THIS PROVINCE, HEREAFTER MENTIONED," MADE IN THE FIFTH YEAR OF HIS PRESENT MAJESTY'S REIGN.

Preamble. 1764-65, chap. 26.

WHEREAS the act intit[*u*]led "An Act for establishing and regulating the fees of the several officers within this province, hereafter men-

tioned," made in the fifth year of his present majesty's reign, is near expiring, and having been found useful and beneficial,—

Be it therefore enacted by the Governor, Council and House of Representatives,

That the act aforesaid be continued, with all and every article, clause, matter and thing therein contained, and shall be in force until the last day of the next session of the general court, and no longer. [*Passed June* 28; *published June* 30.

The act continued.

CHAPTER 12.

AN ACT FOR BUILDING AND MAINTAINING A BRIDGE OVER THE GREAT RIVER, IN WESTFIELD, IN THE COUNTY OF HAMPSHIRE.

Whereas a bridge over the great river, in Westfield, in the county of Hampshire, at or near the common fording-place, near the dwelling-house of William Day, upon the great road from Springfield to Westfield, is necessary, as well for the inhabitants of the other towns in said county, as of the said town of Westfield; and the building and maintaining a bridge there would be a burthen too great for the town of Westfield, considering the charges they have already laid out, and must expend, in building and maintaining many other bridges in said town,—

Preamble.

1764–65, chap. 23.

Be it enacted by the Governor, Council and House of Representatives,

That the court of general sessions of the peace, in and for the said county of Hampshire, be and hereby are authorized and impowered to build and maintain a cart-bridge, sixteen feet wide, across the great river, in said Westfield, at or near the fording-place near the dwelling-house of William Day, upon the great road from Springfield to Westfield, at the charge of the said county of Hampshire; and the said court of general sessions of the peace, for said county, are hereby impowered, from time to time, to assess and tax the inhabitants of the several towns and districts, in said county, in such sum and sums of money as the said court shall agree upon and order, for the building, maintaining and repairing the bridge aforesaid; which sum or sums so ordered at any time to be raised for the purpose aforesaid, shall be added to each town and district's county tax, in proportion as they severally pay to the province tax, for the time being, and be paid into and drawn out of the county treasury, for the uses and purposes aforesaid. [*Passed June* 30.

Court of general sessions empowered to build and maintain a bridge at Westfield,

—and to tax the several towns in the county for the same.

CHAPTER 13.

AN ACT TO PREVENT A FAILURE OF JUSTICE, BY MEANS OF OFFENDERS, IN ANY OF HIS MAJESTY'S COLONIES ON THIS CONTINENT, ESCAPING INTO THIS PROVINCE, OR FROM ONE COUNTY IN THIS PROVINCE INTO ANOTHER, TO AVOID THE PUNISHMENTS OF THEIR OFFENCES.

Whereas it often happens that persons who have committed criminal offences in other of his majesty's colonies, before they can be apprehended, flee into this province, and by that means, thro'[*ugh*] the difficulty and delay that must generally attend a legal arrest of such offenders and sending them back for a proper tryal, do escape the punishment their offences justly deserves; for preventing whereof, and to

Preamble.

render the proceedings in such cases more easy, legal and expeditious for the future,—

Be it enacted by the Governor, Council and House of Representatives,

Justices of the peace empowered to issue their warrants against offenders escaping from other colonies:

[SECT. 1.] That when and so often as any criminal offender or offenders in any other of his majesty's colonies, shall make his or their escape from justice, and come into this province, and any proper process shall issue against such person or persons where he or they committed such offence, and he or they shall be pursued, and followed into this province, it shall be in the power of any of his majesty's justices of the peace within this province, in their respective counties, on application to them made, to issue their warrant against such offender or offenders, that they may be brought before them, or some other of his majesty's justices of the peace for said county, to be examined thereon; and if they shall think proper, on such examination, they may and hereby are impowered to commit, or, by warrant under their hands and seals, directed to the sheriff or his deputy, or the constables of the several towns, as may be necessary, to send and convey such offender or offenders to the confines of such colony from whence they have escaped, and there to deliver such offender to some proper officer in such colony, that they may be holden to answer for such offence according to law, there; and, where it shall be necessary, such offender be conveyed thro'[*ugh*] several counties in this province, in order for his being returned to the colony where he offended as afores[*ai*]d, every of his majesty's justices of the peace, in their several and respective counties, shall be and they are hereby impowered, by warrant, as aforesaid, to order and direct the conveyance of such offender thro'[*ugh*] their several counties, towards the place where he offended.

—may commit or convey such offenders to the confines of another colony.

Preamble.

And for the furtherance of justice in the most easy and expeditious manner, where such offenders in any one county in this province shall escape into any other county in the same,—

Be it further enacted,

A justice of the peace may act in the same manner, with respect to offenders escaping from another county.

[SECT. 2.] That when and so often as any justice of the peace in any county within this province, on complaint to him made, shall issue his warrant against any criminal offender, for any offence committed in such county, and the said offender shall have escaped into any other county, it shall be in the power of any justice of the peace in such county where such offender is, to proceed in the same method, in apprehending such offender and sending him back for tryal to the county from whence he came, as in the case aforesaid, where the offender shall have come from another colony. [*Passed June* 30.

CHAPTER 14.

AN ACT FOR SUPPLYING THE TREASURY WITH ONE HUNDRED THOUSAND POUNDS, TO BE APPLIED FOR THE REDEMPTION OF GOVERNMENT SECURITIES THAT WILL BECOME DUE IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SIXTY-NINE.

Preamble. 1767-68, chap. 7, § 4.

WHEREAS, in and by an act made and passed in the seventh year of his majesty's reign, intitled "An Act for supplying the treasury with the sum of one hundred and twenty-five thousand eight hundred and fifty pounds, to be applied for the redemption of government securities that will become due in the year of our Lord one thousand seven hundred and sixty-eight," among other things it is enacted that a tax of

one hundred and thirty-two thousand one hundred and forty-two pounds ten shillings be levied on polls, and estates both real and personal within this province, to enable the treasurer to discharge the receipts and obligations that will become due in June, one thousand seven hundred and sixty-nine; and in case the general court shall omit levying and proportioning such tax at their session in June, seventeen hundred and sixty-eight, the treasurer of the province, by the act aforesaid, is directed to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within the province, requiring them to assess the polls, and estates both real and personal within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed; *and whereas* it is uncertain whether the new valuation can be compleated, so that a tax can be levied and apportioned, this session; and this court looking upon it as a matter of the last importance to support the faith and credit of the government; and as the possessors of the government securities that will become due in June, seventeen hundred and sixty-nine, are willing to continue their money upon loan, payable at a further period; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the treasurer be and he hereby is directed not to issue forth his warrants as aforesaid; and that he be and he hereby is directed and [e][*i*]mpowered to borrow, of such person or persons as shall appear ready to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding one hundred thousand pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intit[*u*]led "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government;" and the sum so borrowed shall be applied as in this act is hereafter directed; and for the said sum the treasurer shall give his receipt or obligation in the form following:— Treasury supplied with £100,000. 1749-50, chap. 19.

Province of the Massachusetts Bay, the day of , A.D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay: and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer, to repay the said or to his order, the twentieth day of June, one thousand seven hundred and seventy, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined gold and silver enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, [i][*e*]ntit[*u*]led "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with the interest, annually, at five per cent. Form of the treasurer's notes.

Witness my hand. H. G., Treasurer.

A. B., C. D., E. F., } Committee.

Provided, nevertheless,—

[Sect. 2.] That if this court shall levy a tax this year, to be paid into the treasury for any part of said sum of one hundred thousand pounds, the treasurer is hereby directed to borrow so much short of what he is otherwise directed to borrow by virtue of this act. Proviso.

And be it further enacted,

[Sect. 3.] That the treasurer, in issuing said receipts and obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this Treasurer to observe the directions of the act of the

second of his present majesty. 1761-62, chap. 23.

province, made in the second year of his present majesty's reign, intit[u]led "An Act to supply the treasury with the sum of twenty-five thousand pounds."

And be it further enacted,

Money borrowed, to be applied for the redemption of government securities.

[SECT. 4.] That the said sum of one hundred thousand pounds, ordered to be borrowed by this act, when received into the treasury, shall be applied by the treasurer for the redemption of government securities that will become due in June, one thousand seven hundred and sixty-nine.

Tax granted for the sum borrowed, to be paid into the treasury, 31st March, 1770.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act, we, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in great and general court assembled, have chearfully given and granted unto his most excellent majesty a tax of one hundred and five thousand pounds, to be levied on polls, and estates both real and personal within the province, according to such rules, and in such proportions on the several towns and districts within this province, as shall be agreed on and ordered by the great and general court or assembly at their session in May, one thousand seven hundred and sixty-nine, and to be paid into the public[k] treasury on or before the thirty-first day of March, one thousand seven hundred and seventy; and pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

£105,000 granted, to be levied as shall be agreed on in May, 1769.

[SECT. 5.] That there be and hereby is granted unto his most excellent majesty the sum of one hundred and five thousand pounds, to be accordingly levied on polls, and estates both real and personal, within the province, according to such rules, and in such proportions on the several towns and districts within the province, as shall be agreed on and ordered by the general court or assembly at their session in May, one thousand seven hundred and sixty-nine.

And be it further enacted,

If the general court shall not then agree on a tax, the treasurer is to issue his warrants agreeable to the last preceding tax act.

[SECT. 6.] That if the general court, at their session in May, one thousand seven hundred and sixty-nine, and some time before the twentieth day of June in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed and levied, then and in such case each town and district within this province shall pay, by [a] tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax act then last preceeding.

[SECT. 7.] And the province treasurer is hereby [e][i]mpowered and directed, some time in the month of June, in the same year, one thousand seven hundred and sixty-nine, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at or before the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted,

£32,140, surplusage in the treasury, appropriated to dis-

[SECT. 8.] That the treasurer be and he hereby is directed to apply thirty-two thousand one hundred and forty-two pounds ten shillings, of the surplusage that will be in the treasury in June next, for

the redemption of the notes that will then become due, which, with the sum he is ordered to borrow by virtue of this act, will be sufficient to redeem them. [*Passed and published June* 30. charge government securities.

CHAPTER 15.

AN ACT TO ENABLE THE INHABITANTS OF LENOX IN THE COUNTY OF BERKSHIRE, WITH OTHER PROPRIETORS OF LANDS THERE, TO RAISE TAXES ON THE LANDS THERE, FOR BRINGING FORWARD THE SETTLEMENT OF THE SAID LANDS, AND FOR OTHER PUBLIC PURPOSES FOR THE BENEFIT OF SAID DISTRICT; AND ALSO TO INFORCE THE PAYMENT OF SUCH TAXES AS HAVE BEEN GRANTED BY THE INHABITANTS OF RICHMONT IN SAID COUNTY, AND ARE NOT COLLECTED.

Whereas by one law of this province, made and passed in the fourth year of his present majesty's reign, intitled "An Act to enable the proprietors of the plantation called Yokum Town and Mount Ephraim, in the county of Berkshire, to grant taxes on their lands, and bring forward the settlement of said plantation," it is enacted, that the purchasers of said plantation of Yokum Town and of Mount Ephraim shall be and accordingly are incorporated into one distinct propriety, and are vested with the same powers and privile[d]ges as, by the laws of this province, proprietors in common are vested with, so far as is necessary for the calling meetings, granting taxes upon the lands of the said purchasers in said plantation, assessing, collecting and disposing of the monies so raised, laying out, making and repairing necessary ways, and for the carrying forward the settlement of the said plantation agre[*e*]able to the order of the general court; *and whereas*, afterwards, the said new plantation was, by another law of this province, incorporated into a town by the name of Richmont, and, by the same law, it was provided and enacted that all taxes to be raised within said town for the settling a minister, building a meeting-house or meeting-houses, laying out, making or repairing roads, be levied upon the several proprietors of said plantation, according to their interest, agre[*e*]able to the act first aforesaid, until the further order of the general court; *and whereas* sundry taxes have been agreed upon and assessed, agre[*e*]able to the act aforesaid, and for the purposes aforesaid, on the proprietors of lands in said Richmont, part of which remains uncollected, and the same cannot be collected without the further aid of the general court,— Preamble. 1763–64, chap. 24, § 1. 1765–66, chap. 16, § 2.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the lands in said Richmont, of the several proprietors there assessed as aforesaid who have not paid their respective proportion[s] of such assessments, shall be subject to the payment thereof, and to sale therefor, by the assessors there who made such assessments, in the same manner as the lands of proprietors in new plantations were liable to be sold by virtue of an act made in the second year of his present majesty's reign, intitled "An Act to subject the unimproved lands, within this province, to be sold for the payment of taxes assessed on them by order of the great and general court, and votes and agreements of the proprietors thereof, and to enable proprietors to levy province and county taxes laid on them." Lands in Richmont subject to taxes as in new plantations. 1761–62, chap. 44.

And whereas, since the making such assessments as aforesaid, the easterly part of said Richmont hath, by one law of this province, made in the seventh year of his present majesty's reign, been incorporated Preamble. 1766–67, chap. 11.

into a district by the name of Lenox, and, from the consideration of the peculiar circumstances of the said district, it appears reasonable and necessary that, for the present, the taxes that may be raised there for settling a minister, building a meeting-house, laying out, making and repairing highways, be levied upon the several proprietors of said district, according to their interest in the lands there,—

Be it therefore enacted,

Taxes in Lenox to be assessed on proprietors according to their interest.

[SECT. 2.] That all taxes that shall be voted and agreed upon in the said district, for settling a minister, building a meeting-house, laying out, making or repairing highways, shall be assessed upon the several proprietors of those lands, according to their interest in the lands there, until this court shall otherwise order; and that the several proprietors of lands in said district, whether resident in said district or not, shall have equal right, according to their interest therein, to vote in the granting and raising such taxes; and that the same shall be granted at meetings of the said proprietors, to be called agre[e]able to the directions of an act of this province, made in the twelfth year of the reign of her late majesty Queen Ann, intitled "An Act directing how meetings of proprietors of lands lying in common may be called;" and that, in case any such proprietor shall neglect or refuse to pay his proportion of any such tax so set on him as aforesaid, the same shall be levied by the sale of his lands there, by the assessors, according to the directions and in such manner as is prescribed in the act aforesaid, made in the second year of his present majesty's reign; and that all sales of such delinquent proprietor's lands, for such taxes, agre[e]able to the rules in said act prescribed, shall be good and valid to all intents and purposes whatsoever. [*Passed June* 30.

Nonresident proprietors allowed to vote in granting taxes.

1712-13, chap. 9.

Lands to be sold in case of neglect to pay such taxes.

CHAPTER 16.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED NUMBER THREE, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF WORTHINGTON.

Preamble.

WHEREAS the erecting the new plantation called Number Three, in the county of Hampshire, into a town, will greatly encourage and forward the further settlement thereof, and remove many difficulties the inhabitants already settled there at present labour under,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of the town of Worthington.

[SECT. 1.] That the new plantation called Number Three, in the county of Hampshire, bounding, easterly, on Chesterfield; southerly, partly on Murrayfield, and partly on Becket; westerly, partly on a new township called Hartwood, and partly on the new township number two; northerly, on the new township number five,—being the township, which, by a committee of this court, was, in the year one thousand seven hundred and sixty-two, sold at public[k] vendue to Aaron Willard, Esq[r]., in behalf of himself and others,—be and hereby is made a town by the name of Worthington; and the inhabitants thereof are hereby invested with all the powers, privileges and immunities that the inhabitants of other towns within this province enjoy.

Preamble.

And whereas the said Aaron Willard, Esq[r]., purchased the lands of the said township from the province, for himself and John Worthington, Josiah Dwight, Timothy Dwight, jun'r., and Salah Barnard, Esqrs., to hold the same in the following proportion; viz[t]., the said

John, Josiah, Timothy and Aaron to hold each one-sixth part thereof, and the said Salah one-third part thereof; and, by deeds between themselves mutually executed, settled the same among themselves in that proportion, excepting three publick rights, or sixty third parts, and one right, or sixty-third part thereof by them first sold and conveyed to one —— Clap; and the said purchasers afterwards surveyed and laid out great part of the said lands into hundred-acre lot[t]s; and, in their meetings, as proprietors, have divided the greater part thereof among themselves, to hold the same in severalty; and, in order to bring forward and comple[a]t[e] the settlement of the same lands, and for the fulfil[l]ment and performance of the conditions of the grant thereof, the said purchasers have, each of them, been disposing and conveying such hundred-acre lot[t]s to persons who have engaged to settle thereon, and have covenanted with said original purchasers respectively, to do the duties of settlers, and to pay certain proportions; viz[t]., each a sixtieth part of the cost and charge of building a meeting-house, and settling a minister there,—

Be it enacted,

Inhabitants and original purchasers empowered to choose officers,

[Sect. 2.] That the inhabitants of said town, such of them as have undertaken to settle such rights and to contribute any part or proportion towards the building a meeting-house and settling a minister, as aforesaid, together with such of the original purchasers of said lands who have not engaged a sufficient number of settlers in proportion to their original share in said town, be and they are hereby [e][*i*]mpowered, at a meeting to be called for that purpose, agre[*e*]able to the directions of an act of this province made in the twelfth year of the reign of her late majesty Queen Ann[e], intitled "An Act directing how meetings of proprietors of lands lying in common may be called," to chuse a clerk, treasurer, assessors and collectors, and any other officer or officers that proprietors of common lands may ch[oo][*u*]se, the votes always to be collected according to the interest; and at such meeting, or at any future meeting called agre[*e*]able to the directions of the act aforesaid, may agree upon and grant any sum or sums of money they may think proper, for any or either of the purposes aforesaid, to be assessed on the several original purchasers, or their assignees, of the lands there as aforesaid, according to their several interests therein, and the contract and obligations they have made thereabout.

1712-13, chap. 9

—and to grant money.

Preamble.

And to the end that the proportions of the several purchasers aforesaid, in said lands, and the assignees to whom they have respectively conveyed any part of the same, under contract of doing any share of the settling-duties aforesaid, may be the better known in said town,—

Be it enacted,

Original proprietor to file with the clerk a list, of the persons he has agreed with as settlers, to regulate the assessors in making assessments.

[Sect. 3.] That each and every of the original proprietors aforesaid, shall file with the clerk of the said town, within three months after his choice and acceptance of said office, an account of his original share in said township, and a list of the names of the several persons to whom he has conveyed any part of his lands there, under contract of doing any settling-duties there, with account of what proportion of such duties each assignee has engaged to perform; and that such list and account shall be the rule by which the assessors shall proceed in making such assessments against any persons as assignees of said original purchasers: and if any of such original purchasers shall not make return to such clerk, of such a number of assignees engaged to do and perform such duties of settlement as shall be his proportion of duties according to his share of said lands there, the assessors shall assess what remains on his own lands, 'till such original purchasers shall make further return to such clerk, of any other or new assignee of any of his lands who shall have engaged the performance of any part of his duty of settle-

ment; in which case such part shall for the future be set upon such assignee.

And be it further enacted,

Lands subject to be sold for payment of taxes.

[SECT. 4.] That if any such original purchaser, or any of their assignees, shall refuse or neglect to pay any taxes that may be set on them or their lands agre[e]able to this act, for either of the purposes aforesaid, the assessors, of such taxes that shall be from time to time, shall be and hereby are [e][*i*]mpowered to make sale of any such delinquent's lands there, for the payment thereof, they conforming therein to the directions and regulations specified and contained in an act of this province, that was made in the second year of his present majesty's reign, intitled "An Act to subject the unimproved lands within this province, to be sold for payment of taxes assessed on them by order of the great and general court, and votes and agreements of the proprietors thereof, and to enable proprietors of new plantations to levy province and county taxes laid upon them."

1761-62, chap. 44.

Preamble.

And to prevent any injustice to any of the inhabitants of the said town, or other proprietors of lands there, by means of any false return against him, by any original purchaser, as his assignee, liable and subject, by contract, to do any duty of settlement which he has not undertaken, and thereby being subjected to an unreasonable assessment upon him in consequence of such false return,—

Be it enacted,

Penalty on original purchasers for returning a false list.

[SECT. 5.] That if any such original purchaser shall fals[e]ly return any person as his assignee of any lands in said town, and as liable and engaged to do any duty of settlement on his behalf, which such person is not liable or engaged to perform, and such person shall, by means thereof, be subjected to any unjust assessment, against the true design of this act, and shall actually suffer any loss or damage thereby, he shall be and is hereby intitled to treble the damages he shall so suffer, to be recovered, with costs, against such original purchasers, by action of debt, to be brought by virtue of this act.

And be it further enacted,

Israel Williams, Esq., empowered to call a meeting of the inhabitants.

[SECT. 6.] That Israel Williams, Esq[r]., be and hereby is [e][*i*]mpowered to issue his warrant, directed to some principal inhabitant of said town, requiring him to call a meeting of said inhabitants, in order to chuse such officers as, by law, towns are [e][*i*]mpowered to chuse in the month of March, annually. [*Passed and published June* 30.

CHAPTER 17.

AN ACT TO ESTABLISH A TOLL ON THE GREAT BRIDGE BUILT OVER THE RIVER PARKER, IN THE TOWN OF NEWBURY, IN THE COUNTY OF ESSEX.

Preamble. 1750-51, chap. 14.

WHEREAS the bridge some time since built over the river Parker, in the town of Newbury, for the building of which a lottery was granted by this province, has been found of great utility to the public[k], and the same being now in a considerable measure worn and decayed, the managers of the last lottery having also advanced a considerable sum over and above what was raised by lottery, towards building the said bridge; for [the] reimbursing the said money, and for repairing [of] [*the*] said bridge, no provision is yet made,—

Be it therefore enacted by the Governor, Council and House of Representatives,

A toll-gatherer,

[SECT. 1.] That there be a gate erected as soon as may be, and a

person appointed to attend the same, and to receive, of all persons passing over the said bridge, the several fees or rates hereafter expressed, which every passenger is required to pay before they have liberty to pass the same; that is to say, for every foot-man who shall pass the said bridge, the sum of two-thirds of a penny; for every man and horse, the sum of twopence; for every two-wheel chaise, chair or sleigh, and horse, with the travellers therein, the sum of fourpence; for every four-wheel carriage, including passengers, the sum of eightpence; for every man with team, cart or sled, the sum of sixpence; for all horse-kind or neat cattle, the sum of two-thirds of a penny per head; and for sheep or swine, the sum of fourpence per score: and so, in proportion, for a greater or less number; and no more.

or keeper of the bridge, to be appointed.

Rates of the toll.

And be it further enacted,

[Sect. 2.] That the court of general sessions of the peace for the county of Essex, be and hereby are empowered to appoint some suitable person, who shall give security for the faithful performance of his duty and attendance at said bridge; and the said person so appointed shall faithfully attend his duty, and at all times be ready, between the hours of five of the clock in the morning and nine in the evening, to admit any person to pass the said bridge, under the penalty of twenty shillings for any neglect; and in case he shall not be present to admit persons to pass the bridge, between the hours of nine in the evening and five in the morning, he shall leave the passage free and open; and said passage shall also be kept open and free for all persons travelling to or from the place or places of publick worship on Lord's days.

Court of sessions to appoint a person to gather the toll.

Time he shall attend.

And be it further enacted,

[Sect. 3.] That the said court of general sessions of the peace be and are hereby [e][*i*]mpowered to appoint one or more trustees to receive of the keeper of the said bridge the money he shall collect, and therewith repair the said bridge as shall, from time to time, be found necessary, or as the said court of general sessions of the peace shall order and direct; the said trustees are also directed, as soon as money sufficient therefor is collected, to raise the arch northward of the Little Island, so called, over which the bridge runs, three feet and an-half, or four feet, higher than it is at present, that so boats laded with hay may pass under the same with greater convenience; as also, for such repairs as may be found necessary.

Trustees to be appointed:

—who are to raise one of the arches:

And be it further enacted,

[Sect. 4.] That the said trustee or trustees be directed to pay unto Daniel Farnham and William Atkins, Esqrs., the sums they have respectively advanced towards building the said bridge, they having first adjusted and settled their accounts with the general court of this province, and obtained an order from said court for the ballances due to them respectively; and the keeper of the said bridge is hereby required, upon oath, when and as often as demanded, to exhibit an account of all the monies he shall, from time to time, receive by the above toll, and pay the same to the aforesaid trustee or trustees, for the purposes aforesaid, under the penalty of fifty pounds for every neglect or refusal.

—and to pay the balances due to Daniel Farnham and William Atkins, Esqrs.

Keeper of the bridge, to exhib it accounts and pay to the trustee.

And be it further enacted,

[Sect. 5.] That the trustees appointed as aforesaid, their heirs and assign[*e*]s, shall keep and exhibit to the said court of general sessions of the peace, and also to this court, when required, an account of all monies received by toll, by virtue of this act, and an account of the expences of repairing and amending the said bridge.

Trustee to account to the court of general sessions, and to the general court.

And be it further enacted,

[Sect. 6.] That if the keeper of the said bridge shall, at any time, demand and receive a greater toll than is allowed by this act, he shall for every such offence be subject to the penalty of twenty shillings.

Penalty for exacting more than the rate specified.

Forfeitures, how to be disposed of.

[SECT. 7.] And all penalties and forfeitures arising by virtue of this act, or any clause therein, shall be disposed of in the manner following; viz[t]., one half to and for the use of this government, to be paid into the province treasury, and the other half to him or them that shall sue for the same in any of his majesty's inferior courts of common pleas, or before any justice of the peace when the said penalty doth not exceed the sum of forty shillings.

[SECT. 8.] This act to continue and be in force for the space of ten years, and no longer. [*Passed and published June* 30.

CHAPTER 18.

AN ACT TO REVIVE AND CONTINUE AN ACT MADE IN THE FIFTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT FOR ALLOWING NECESSARY SUPPLIES TO THE EASTERN INDIANS, AND FOR REGULATING TRADE WITH THEM, AND PREVENTING ABUSES THEREIN," WHICH IS NEAR EXPIRING.

Preamble. 1764–65, chap. 30.

WHEREAS the aforementioned act is found by experience very beneficial for regulating the trade with the eastern Indians,—

Be it therefore enacted by the Governor, Council and House of Representatives,

The act continued.

That an act, intitled "An Act for allowing necessary supplies to the eastern Indians, and for regulating trade with them, and for preventing abuses therein," made in the fifth year of his present majesty's reign, in all and every article and clause, matter and thing, be and hereby is revived, and shall be in force until the thirtieth day of June, which will be in the year of our Lord one thousand seven hundred and sixty-nine. [*Passed and published June* 30.

NOTES.—But one session of the General Court was held this year. The House of Representatives of the previous year issued a circular letter to the sister houses of representatives, and of burgesses, in America, explaining the position of the House on the question of the relations of the colonies to Great Britain, respecting the authority of parliament, with the professed purpose of insuring harmonious action by the colonies in their assertion of their rights as against the encroachments of parliament and of the ministry. The Governor, at this session, acting under instructions from the Earl of Hillsborough, the newly appointed secretary of state for American affairs, demanded a rescission of the vote authorizing the circular, which being refused in the House, by a vote of 92 to 17, he, on the first day of July, in pursuance of his instructions, dissolved the Assembly, by proclamation, after having, the day before, prorogued it to the third of August.

All the acts of this year were printed; and the engrossments of all are preserved.

No certificate for transmitting these acts has been found; but the letter of Secretary Oliver accompanying them, and bearing date August 31, 1768, was laid before the Lords of Trade on the 24th of October following.

No record of further action on these acts has been discovered except what appears in the note to chapter 5, *post*, and in the report of Richard Jackson, dated January 24, 1771, showing that chapter 13 had been referred to him by the Lords of Trade for his opinion thereon in point of law, and in the minutes of the Lords of Trade of January 30, 1771, showing that the draught of a new instruction to the Governor of the province was ordered to be prepared, upon consideration of Mr. Jackson's report. See note to 1769–70, chapter 1.

Chap. 1. This is the last instance of the passage of an act granting an allowance, from the province treasury, to a governor appointed by the Crown. The repeal of the Stamp Act had removed the grounds upon which it was proposed to grant salaries from the imperial treasury to the appointees of the Crown; and the annual grants by the province had continued, without interruption, until the close of Bernard's administration.—See note to 1765–66, chap. 1, *post*.

Bernard, by whose recall the command-in-chief devolved upon Hutchinson, being about to be absent from the province by the royal permission, and, as he claimed, with the prospect of returning, asked, during the first session of the Assembly, for the year 1769, for an allowance, as usual, which, according to his instructions, would, during his absence, be divided between himself and the Lieutenant-Gov-

ernor; but the House, having, unanimously, agreed upon a petition for his removal from office, were in no mood to comply with this request, especially as they had no assurance of his being continued in the office after the first of the ensuing month of August, up to which time his services had been paid for, in the grant of the previous year. Hutchinson received one grant (1769–70, chap. 8) for his services as lieutenant-governor after Bernard's departure; but two subsequent grants to him, in that capacity, one of £325 and the other £506, and two other bills passed after he received his commission as governor—each making the usual grant of £1500—failed to receive his assent, he having secretly received advices that "certain and adequate provision for the support of the civil government" in the colonies, had been deemed expedient to be made by parliament.

Chap. 2. "Jan. 26, 1762. A Petition of William Eastman and Eleazer Nash in behalf of a Number of the Inhabitants of South Hadley representing their great difficulties and divisions about the place for their Meeting House, and Praying for the Interposition of this Court.

In the House of Representatives; Read and Ordered That Col° Clapp, Cap^t^ Cheever, Major Cushing, Col° Murray and Colonel Gerrish with such as the honourable Board shall join be a Committee to take this Petition and all other Papers accompanying it under consideration, hear the Parties and make report. In Council Read and Concurred and Samuel Watts, Richard Cutt and James Russell Esq^rs^ are joined in the Affair."—*Council Records, vol. XXIV., p.* 203.

"Feb. 20, 1762. In the House of Representatives Voted That the Eastward part of the District of South Hadley viz^t^ beginning at Springfield Line where Stony Brook enters South Hadley and runs with said Brook, till it comes within fifty rods of the middle of the Bridge over said Brook in the Road leading from the Old meeting house to Joseph Kellogs & from thence North six degrees and a half West to the North line of said District be, and hereby is erected into a distinct and seperate Parish; and that the Inhabitants thereof are hereby invested with all the powers and Priviledges that other Parishes in this Province enjoy; and that the remaining part of said District be and continue the first Parish in said District Provided nevertheless that any of the Inhabitants of said District that live on the East side of the aforesaid dividing Line who shall chuse to remain and be accounted as Members of the said first Parish and shall by writing under their hands lodged in the Secretary's Office within three months next following certify the same, every such Person so certifying shall be, remain and be esteemed and accounted one of the Parishioners of the said first Parish, and shall be obliged to do duties and shall enjoy Priviledges there as such, and shall, he and his Estate, be exempted from any duty or charge whatsoever in the said second Parish as effectually as he would be, if he dwelt and his Lands and Estate lay in the same first Parish, and that whatsoever Inhabitants of the said District living within the aforesaid Limits of the said first Parish and to the Westward of said dividing Line shall choose to be one of the said second Parish, and shall certify the same within the term and in the manner aforesaid, such Inhabitants shall be esteemed and accounted as a member of the said second Parish and shall be intitled to Priviledges and shall do duties with the other members of the said second Parish, and he and his Estate shall be wholly free and exempt from any duty or charge whatsoever in the said first Parish as effectually as he should be, if he dwelt and his Lands lay in the said second Parish, Provided also and it is hereby voted and Ordered, That the Inhabitants of the said first Parish as they shall be at the end of the said three months shall refund and pay back to the said Inhabitants of the said second Parish their proportion they have been assessed to the several sums that have been expended or raised in said District for the erecting and building a Meeting house there, and in the controversy and dispute about the same, excepting and deducting therefrom so much as the Frame of a meeting house there has been damaged by the felling and cutting down part thereof by some of the Inhabitants of said East and second Parish, which damage done to said frame shall be determined by a Committee appointed by this Court for that purpose and be paid by the Inhabitants of the said second Parish: and that all Actions that are or may be prosecuted in the Law for damages on that account be and hereby are effectually barred to all intents and purposes whatsoever. Provided also that the said Inhabitants of said second Parish shall be allowed a proportionable share of the Materials of the Old Meeting house or a reasonable allowance therefor from the first Parish to be determined by the Committee aforesaid.

Provided nevertheless that if at any time before the end of March next two thirds at least of the qualified Voters in said District shall at a Meeting legally warned agree upon a place where to erect and fix a meeting house for the accomodation of the whole district and shall cause such Agreement to be duly certified to the Great and General Court at their Session in May next: then and in such case the foregoing Order for dividing said District shall be void and of no Effect.

In Council Read and Concurred Consented to by the Governor."—*Ibid., p.* 275.

"June 9, 1762. A Petition of Daniel Nash in behalf of the Inhabitants of the first Parish of South Hadley—Praying some explanation of the Order of the General Court in February last for dividing them into two Parishes.

In the House of Representatives. The above Petition being read and considered Resolved That all those Persons that belong to the first Parish in the District of South Hadley and have Lands under their own Improvement in the Second Parish; all such Lands shall be rated or taxed to pay all Parish charges in the first Parish notwithstanding their lying within the bounds of the Second Parish. And that all those Persons that belong to the second Parish in said District and have Lands under their own Improvement in the first Parish; all such Lands shall be rated or

taxed to pay all Parish charges in the second Parish, notwithstanding their lying within the bounds of the first Parish.

In Council Read and Concurred. Consented to by the Governor."—*Ibid.*, *p.* 416.

"June 12, 1762. In the House of Representatives Voted That Josiah Dwight Esq^{r} Timothy Dwight jun^{r} Esq^{r} and M^{r} Ebenezer Hunt of Northampton be and they hereby are appointed a Committee to consider of, and determine the Damage done by some of the Inhabitants of the Second Parish in South Hadley to the Frame of the Meeting House in said District by cutting down part thereof, which damages this Court by their Vote of the 18th February last ordered to be determined by a Committee of this Court. And that the said Committee determine what sum shall be allowed to the said Second Parish for their proportionable part of the Old Meeting* in said District, which by the Order aforesaid was to be determined by the same Committee that should determine the Damages aforesaid. In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 437.

"June 15, 1762. The desire of the following Persons Inhabitants of South Hadley, pursuant to the Order of the General Court of the 20th of February last (being omitted to be recorded in its proper place) is as follows,

Pursuant to an Act and Order of the General Court passed the 19th day of last February dividing the District of South Hadley into two Parishes, an East and West Parish.

We the Subscribers living West of the said dividing line desire that our Names may be Entered into the Secretary's Office for Joining with the Second Parish in said District. South Hadley April 5: 1762

(Signed) WILLIAM EASMAN, ISRAEL SMITH, JOSEPH HILLYARD.

William Easman, Israel Smith, Joseph Hillyard,—received 16th April, 1762—

South Hadley April 26: 1762, Pursuant to the order of the Great and General Court at their Session in February last, relating to a Division of the District of South Hadley into two Parishes, This is to Certify, that We the Subscribers, chuse to remain and be accounted as Members of the first Parish: and that we and our Estates may be Esteemed and accounted as belonging to the said first Parish, and therefore desire that our names may be lodged in the Secretary's Office, agreeable to the said Order of Court.

LUKE MOUNTAGUE	MOSES MONTAGUE	ELIZABETH QUEEN
JOSEPH MOODEY	REUBEN SMITH	EBENEZER STODDARD
DAVID NASH	ESTHER DICKINSON	NOAH MOODEY
DANIEL MOODEY	JONATHAN SMITH	HUGH QUEEN
JOSIAH MOODEY	MARY MONTAGE.	JAMES QUEEN.

Luke Montague and others 1st Parish, received 6th May 1762—

South Hadley the Second Parish May the 4th 1762—

Whereas I have sent my name to be reckoned one of the first Parish, upon a second consideration I have altered my mind and if my name is set down I should be glad to Erast out and to remain in the second Parish, as Witness my hand—

Test Gad Chapin ESTHER DICKINSON

Experience Smith, received 11th May 1762.

In pursuance to Act of the General Court the 19th day of last February by dividing the District of South Hadley into two Parishes, I the Subscriber living in the first Parish desire my name to be Entered in the Secretary's Office to Join with the Second Parish in said South Hadley agreeable to the liberty the said Act gave me.

South Hadley May 7. 176— JOHN SMITH.

John Smith, received 13th May 1762—

District of South Hadley May 4th 1762, Pursuant to the order of the Great and General Court at their Session in February last, relating to a Division of said District into two Parishes: This is to certify that the Person or Persons hereto Subscribing, desire that they may be accounted as a Parishoners of the first Parish: and chuse that he or they and his or their Estates may be accounted to the said first Parish, and that the same may be lodged in the Secretary's Office

Witness our hands. ISRAEL CLARK
JAMES HENRY
JOSIAH HENRY.

Israel Clark, James Henry, Josiah Henry, South Hadley received 17th May 1762." —*Ibid.*, *p.* 448.

Feb. 22, 1763. A Petition of Joseph White and Josiah White of South Hadley—Setting forth that pursuant to an Order of the General Court in January 1762 for dividing the District into two Parishes, liberty was given to those on the East side of the Line who chose to be of the West Parish to certify the same by Writing lodged in the Secretarys Office within a certain time in said Order limited; which Certificate should intitle them to be members of the West or first Parish. That in observance of the said Order they certified their desire as aforesaid, but their certificate miscarried. And Praying that they may nevertheless be accounted to belong they and their Estates to the first Parish in the said District.

In the House of Representatives; Read and Ordered that the within named Joseph and Josiah White with their Families & Estates be annexed to the first Parish in South Hadley there to do duty and receive priviledge, and they are hereby exempted from paying any Parish Taxes to the Second Parish in said Town for the future.

In Council Read and Concurred Consented to by the Governor."—*Ibid.*, *p.* 603.

"June 13, 1767. A Petition of William Eastman and others, a Committee of the Inhabitants of the second Parish in South Hadley—Setting forth—the great inconveniencies they suffer by remaining united with the first Parish in one District, that there are unhappy disputes and differences between the two Parishes, and that the second Parish are obliged at the pleasure of the first which contains a majority of

* *Sic.*

Voters to expend Sums of money against their wills to their great damage, injury and grievance. And Praying that they may be incorporated into a separate Town or District by the same Line which now divides the two parishes, and that they may have their proportion of the Common Stock.

In the House of Representatives, Read & Ordered That the Inhabitants of the first Parish of South Hadley be notifyed by serving the Clerk of s^d^ Parish with a copy of the foregoing Petition and of this order, that so on the third Wednesday of the next Session they may shew cause, if any they have, why the prayer thereof should not be granted. In Council, Read & Concurred."—*Ibid., vol. XXVII., p.* 50.

"Jan. 14, 1768. a Petition of the Inhabitants of the second Parish in South Hadley Praying to be erected into a Town or District as entered the 13th of June last.

In Council, Read again together with the Answer And Ordered That Benj^a^ Lincoln and Tho^s^ Hubbard Esq^rs^ with such as the Hon^ble^ House shall join be a Committee to take this Petition with the answer under consideration hear the parties & make report. In the House of Representatives, Read & Concurred and Cap^t^ Root, Col^o^ Gerrish and Maj^r^ Humphrey are joined."—*Ibid., p.* 138.

"Jan. 18, 1768. A Petition of Joseph White and others Inhabitants of the first Parish in the District of South Hadley—Praying That if this Court should think fit to divide the District into two, as Prayed for in a Petition now before the Court, they and their Estates may be accounted to the west District, and that the dividing Line may be altered so as to include them therein.

In the House of Representatives, Read and Ordered that the Committee appointed to consider the South Hadley Petition, take this Petition into consideration and Report. In Council, Read and Concurred."—*Ibid., p.* 146.

"Jan. 20, 1768. The Committee appointed the 14th Instant on the Petition of Joseph White and Others of South Hadley, having made Report the following Order passed thereon viz^t^—

In Council, Read and accepted: And Ordered that Tim^o^ Paine Esq^r^ with such as the Hon^ble^ House shall join be a Committee to repair to South Hadley hear the parties, settle and mark the Line of Division between the proposed Districts, and make return thereof to this Court at their next Session; and that the aforesaid Line when established between the said proposed Districts be the Line between the two Parishes in the Petition mentioned, pursuant to the agreement of the parties by their respective agents. In the House of Representatives, Read and Concurred and Col^o^ Gerrish & Maj^r^ Davis are joined."—*Ibid., p.* 150.

"June 2, 1768. The Committee appointed the 20th of January last to repair to South Hadley and settle and mark the Line of Division between the proposed Districts, made Report of their doings therein: whereupon the following vote passed viz^t^

In Council, Read and accepted: and Ordered that the Petitioners have liberty to bring in a Bill accordingly. In the House of Representatives, Read and Concurred." —*Ibid., p.* 321.

Chap. 5. The importance of the subject which the passage of this act brought into discussion in this province and before the Privy Council, seems to warrant the printing of the following papers, which, though cumulative and repetitious, and, generally, written by illiterate persons in humble life, form a significant part of a series of efforts to secure that religious liberty which, to-day, is the boast of our Commonwealth.

"Mar. 17, 1767. A Petition of Obadiah Dickinson and others Resident and non-resident proprietors of the plantation lately called Huntstown—Setting forth—That the same was in the year 1765 erected into a Town by the name of Ashfield; that in the Act of Incorporation there is a clause of great uncertainty respecting the power of raising, levying and collecting of money for defreying the public charges of the said Town, and great difficulties and inconveniences consequent thereon. And Praying for an Act further to impower the proprietors to regulate their proceedings with respect to this matter and to enable them effectually to levy and collect money for the necessary purposes of the said Proprietors, as well such as have been already granted, as what may hereafter be granted therefor.

In the House of Representatives. Ordered that the Petitioners notify the Inhabitants of Ashfield of this Petition and Order by serving the Town Clerk with a Copy of the same: and that they also notify the proprietors of said Ashfield by inserting the said Petition & Order in one of the Boston news papers, that they may shew cause, if any they have, on the second Wednesday of the Session of the General Court in May next why the prayer should not be granted: the said notifications to be made at least fifteen days before the said May Session. In Council, Read & Concurred."—*Council Records, vol. XXVI., p.* 473.

"June 9, 1767. A Petition of Obadiah Dickinson and others some of the nonresident proprietors of Ashfield, lately known by the name of Huntstown—praying for an Act to regulate their proceedings in certain matters therein mentioned as entered the 17th of March last, upon which an Order then passed for a notification: but they having omitted to take out copies, now present a new Petition for the revival of the former; whereupon the following Order passed viz^t^—

In the House of Representatives, Read again & revived: and Ordered that the Petitioners notify the Inhabitants of Ashfield of this Petition and Order by serving the Town Clerk with a Copy of the same: and that they also notify the proprietors of said Ashfield by inserting the substance of said Petition & the Order in two of the Boston news papers, that they may shew cause, if any they have, on the second Wednesday of the next Session of this Court why the prayer should not be granted: the said notification to be made at least fifteen days before the said Session. In Council, Read & Concurred."—*Ibid., vol. XXVII., p.* 34.

we have sent two Petitions to ye General Court for Help, as yet we have had none [illegible]

[illegible]

In ye Year 1761 [illegible] Assessors for ye said Town of Ashfield [illegible] by a Precept from ye General Court [illegible]

[illegible]

These Things we ye Subscribers [illegible]

[illegible]

"To his Excellency Francis Bernard Esq Captain General and Governour in Chief, in and over his majesties province of the Massachusets Bay in New England, [illegible] the Honourable his majesties Council & house of Representatives in General Court [illegible]

[illegible]

But not seeming Standing this Honourable Court [illegible]

[illegible]

Our Oppression [illegible]

[illegible]

We pray therefore that his Excellency and your Honours would take the Case of your [illegible]

[illegible]

Dated, Ashfield [illegible] | In Behalf of the Church and Society.

May ye 25th 1762 [illegible]

P. S. [illegible]

[illegible]

[illegible]

Dated Ashfield

June ye [illegible] 1762

[illegible]

p. [illegible]

[illegible] Association [illegible]

[illegible]

Examination of ye Religious principles and Constitution of a Church [illegible]

Ashfield under y^e^ pastoral Care of y^e^ Rev^d^ Ebenez^r^ Smith—We y^e^ Baptist Association do Receive y^e^ S^d^ Church into fellowship, as being of y^e^ Same faith and order.

Sign^d^ by Order and in behalf of y^e^ Association—

HEZEKIAH SMITH Moderator
SAM^EL^ STILLMAN Clerk."—*Ibid., p.* 563.

"To the Honourable Thomas Huchinson Esq Lieutenant Governor: and Commander in Cheif in and over his Majesties Province of the Massachusets Bay in New England and to the Honourable his Majesties Councill & house of Representetives in General Court Assembled on the 14^th^ of March A D: 1770. . . . We the Baptist church and Society in Ashfield Present our Humble petition to your Honours as follows (Viz)

We were Setteled in this Town in the manner as we Set forth in our petition which we presented to this Honourable Court Bearing Date May . . . 1768. Wherein we requested to be freed from paying taxes to a Minister & for the Building of a meeting House of a nother Society which we do not Belong unto. and the Court was pleased to order us to Notify the Town and Proprietors Clarks with a Copy our petition which we Did.—and that they Should Suspend the further Collection of taxes So far as Respected us the petitioners untill the next Setting of the Court but not with Standing they proceeded to post our Lands for Sale before the Court Set again & Came together to Sell the Same; but finding That they had made Some mistake in their proceedings, it was put by for that time;—and we Sent a man to Boston Last May to to See if we could git further help but things being in so Broken a Surcomstance y^t^ he came away before there was any Business done; and there is now a tax of 11£: 18/: 7^d^ L. F. m. Laid on Each right in this Town, the Cheif of it for the Support of the minister and Building a meeting House for the above s^d^ Society and our Lands are posted in the publick prints in order to be Sold the first Wednesday of april Next unless prevented by our paying s^d^ tax which we cant See posible for us to do. —So that we See nothing but y^t^ we (or at Least many many of us) Shall be Disinherited for the Suport of a Society that we Do not belong unto.—We do therefore Humbly pray this Hon^r^ Court to take our Case into your wise Considerations & free us and our Lands from paying the above s^d^ tax or any other tax y^t^ Shall hereafter be raised for y^e^ purposes afores^d^.—and y^t^ y^e^ moneys which we here to fore have paid for their Minister & meeting House, may be restored To us for we need a meeting House; and should have Built one some years agone, had it not been for the Burdens so unjustly Laid upon us So Prays your Humble petitioners.

EBENEZER SMITH } In behalf of
Dated in Ashfield JOHN BLACKMER } the Church
Feb^r^ y^e^ 9^th^ 1770. AARON LYON } and Society."—*Ibid., p.* 556.

"April 10, 1770. A Petition of Ebenezer Smith and others in behalf of the Baptist Church and Society in Ashfield—Setting forth—That there is a Tax of £11: 18: 7 laid on each Right in said Town chiefly for the support of a Minister and Building a Meeting House for a Society of a different pursuation from the Petitioners—That their Lands are advertized to be sold, unless prevented by paying the said Tax, which they are unable to pay and support the Gospel among themselves. And praying that they and their Lands may be exempted from said Tax or any Tax that may hereafter be raised for the purposes aforesaid, and that the Monies which they have heretofore paid may be restored.

In the House of Representatives. The House resumed the consideration of the Petition and Resolved that the Petitioners notify the Proprietors of the Lands in Ashfield of this Petition and also of the Paper accompanying the same called an Account of the sufferings of the Church in Ashfield, by serving the Clerk of said Proprietors with a Copy of the said Petition and Paper that they may shew cause on the second Wednesday of the next May Session of the General Court why the prayer should not be granted, and that the sale of the Petitioners Lands be staid in the meantime. In Council, Read and Concurred, Consented to by the Lieut Governor Ap^l^ 26^th^ 1770."—*Council Records, vol. XXVIII., p.* 151.

"To his Honor the Lieutenant Governor, the honorable his Majesty's Council, & the honorable House of Representatives in General Court assembled.—

The Petition of the Baptist Committee of grievances, acting in the Name and by the Appointment of the Baptist Churches met in Association at Bellingham in this Province the 11^th^, 12^th^, & 13^th^ days of September last,—humbly sheweth,

That altho' the Baptists have been repeatedly disappointed in their Addresses to the General Court, and have not obtained that Relief from their Distresses which We humbly conceive all our people are intitled to as Men, and Christians, and Subjects of a free Government; yet, very unwilling to leave any mean untryed, and hoping all things from this Court, We, the Comittee aforesaid, with great earnestness, and seriousness do recommend Ourselves to you, Gentlemen, whom we consider as the Gaurdians of Our Rights and Privileges as well Religious as Civil, the Protectors of the Injured, the Fathers of Our Common Country;—And beg leave to say that we are encouraged, in this Our Address, from the Consideration of the Rights of Mankind having been *so well* defined in the Votes of this Honorable House, by which We are taught to think 'That No Taxation can be equitable where such Restraint is laid upon the Taxed as takes from him the Liberty of GIVING his *Own Money Freely*'—This being True, permit Us to ask—With what Equity is *Our Property* taken from Us, not only without Our Consent, but violently, contrary to our Will; and for such purposes, as we cannot, in faithfulness to that Stewardship with which God hath Entrusted Us, favour—Permit us therefore to lay before this honorable Court the grievances of which We complain and pray your friendly, as well as Legislative Interposition; that Our Brethren may be saved from threatening Ruin; who have suffered much in their Persons, and Estates, to the great disquietude of their Minds, and Distress of their small and Chargeable Families;—And these Evils have

arisen from some of the Laws of this Province, which are Ecclesiastical in their Nature, and bear hard upon Us, and, as we think, deprive Us of a Charter privilege; Especially One Law, made in favour of the Proprietors of the Town of Ashfield, in the County of Hampshire; which is contrary to, and in Respect to that Town, supersedes all Acts of General Court heretofore enacted, and declared to be in favour of Baptists— In consequence of which Law, and by a power granted in the same to the proprietors of Ashfield aforesaid, Three hundred & ninety eight Acres of Our Lands have been sold to build, and remove, and repair when moved, a Meeting house, in which we have *No part*, tho' Our Money helpt to build it: and to settle and support a Minister whom we cannot hear. The Lands were valued at £363 L M^{y}, sold for £19, 3 / L M^{y}; so that Our Loss is, £344. L M^{y}—part of the Lands aforesaid belonged to the rev^{d} Eben^{r} Smith a regularly Ordained Baptist Minister, who, together with his Father and others, their Brethren, in the last Indian War, built at their Own Expence, a Fort, and were a Frontier; and this they did for two years without any help from any Quarter; from which, we beg leave to say, that they deserve at least the common privilege of the Subjects of the Crown of England —Part of said Lands had been laid out for a burying place, and they have taken from Us Our Dead.—They have also sold a Dwelling House, and Orchard, and pull'd up Our Aple Trees, and thrown down Our fences, and made our fields waste places —Permit Us further to add, That the Act of the General Court made with Design to favour Us, and for the same purpose hath been renewed from time to time, is attended with such Difficulties as render it ineffectual, in many Instances, and by No Means sufficient to answer the good purposes, for which, we are willing to believe, the Honorable Court intended it—The Difficulties arising from this Quarter of which we complain we are ready to lay before the House whenever it shall please them to call upon Us.—

We must beg your Indulgence while we recite One thing more, which we deem hard, and that is, a Proviso, in the above mentioned Law, or Act of General Court, by which No Baptist can avail himself even of that Law in New-settled Towns, and we are thereby virtually prevented from settling in such New Towns.

Should we go thro' with an Enumeration of all Our Grievances we must take up too much of the time of this Honorable Court, which we are unwilling to do; We therefore pray the General Court to relieve Us in the following Instances: viz^{t}—

1st To repeal a Law entitled "An Act in addition to an Act, entitled, An Act for erecting the New Plantation called *Huntstown* in the County of *Hampshire*, into a Town by the name of *Ashfield*—And restore to the Baptists, in said Town, the Lands which have been taken from them *to support* the Minister settled by Law, and give them Damages for the great, and many Injuries they have been made to suffer.

2^{dly} To enable Our Brethren in Different parts of the Province to recover Damages for the Losses they have been made to sustain on a Religious Account.

3^{dly} To grant perpetual Exemption to all Baptists, and their Congregations from all Ministerial Rates whatsoever according to the full Intent and meaning of the Charter of the Province; that we may all enjoy full Liberty of Conscience, as Others his Majesty's Subjects, in this Province, And also to disannul all such Rates laid heretofore on any of Our people in this Government. And your Petitioners as in Duty bound shall ever pray

Sign'd in Behalf of y^{e} Whole Com^{ee}

SAM^{L} STILLMAN
HUGH SMITH
JOHN DAVIS."—*Mass. Archives, vol.* 14, *p.* 592.

"Nov. 15, 1770. A petition of the Rev^{d} Samuel Stillman and others a Committee of the Baptist Churches met in association at Billingham in Septem^{r} last—Representing the difficulties they in general labour under, and particularly their Brethren in the Town of Ashfield, and praying releif.

In the house of Representatives, Read and ordered that the proprietors of the Town of Ashfield be notifyed of this petition that they may shew Cause if any they have, on the second Tuesday of the next Setting of this Court why the prayer thereof should not be granted and that the petitioners give such notice to the said proprietors by causing the Clerk of the said proprietors to be served with a Copy of this petition and this order fifteen days before the next sitting of this Court, and that all further proceedings upon an Act of this province intituled 'An Act in addition to an Act intituled An Act for erecting the New plantation called Huntstown in the County of Hampshire into a Town by the Name of Ashfield,' be staid in the mean time. In Council Read and Concurred."—*Council Records, vol. XXVIII., p.* 396.

"To his Excellency Thomas Hutchinson Esq Captain General and Commander in Chief of his Majesty's Province of the Massachusetts bay &c &c

The honourable his Majesty's Council, and the honourable House of Representatives in General Court assembled at Cambridge the 27th day of March A D 1771—

The proprietors of the town of ashfield in the county of hampshire having been, by order of the honourable general court at their session in november last, notified of y^{e} petition of three of the baptist committee of grievances, acting in the name & by the appointment of the baptist churches met in assosciation at bellingham in this province in september last, then preferred to the s^{d} general assembly, that the said proprietors might on the second tuesday of the next session of the said court shew cause, if any they have, why the first prayer of the said petition should not be granted; & having taken the said petition and order into their consideration, beg leave, by their committee whose names are hereto subscribed to return the following answer, as containing, in their humble opinion, clear and sufficient reason why the said first prayer of the said petition should not be granted.—But, because the grievances complained of, tho' said especially to arise from the act mentioned in the said first prayer of the petition, are general grievances, before they enter upon y^{e} matters

intended more directly in answer to that first prayer, the proprietors conceive it to be both proper and necessary to offer some things, more generally, in answer to the petition. They also conceive it to be a duty they owe to *God* and their *Country*, not to be dispensed with, as well as to *You*, gentlemen, (considered, with great propriety, by the petitioners as the guardians of our religious and civil rights, protectors of ye injured and the fathers of our common country) to lay open the character and real springs of action, of some of those people in this part of the province, of late, and not till lately, called baptists or anabaptists; tho' they mean to have a more especial regard to those of this denomination at ashfield. The said proprietors beg leave therefore to remark in the first place, that the *rule* the petitioners have set up, & on which alone they seem to ground their claim of exemption from, what they are pleased to call, grievances and which they are forced by the laws of this government to suffer, *is falsely applied*, and therefore all arguments bottomed on it must be inconclusive. *Natural rights* (and the petitioners in this argument can mean no other) as the respondents humbly conceive, are in this province wholly superseded in this case by civil obligation; and in matters of taxation individuals cannot with the least propriety plead *them;* and the plea of injustice in taking away their property by law, because they cannot feel themselves willing to give it (and this is the evident basis of the petitioners plea) will in its consequences, if admitted, forever exempt all men in the province from the payment of public taxes if they should happen not to be inclined to pay them. The question therefore that seems evidently to arise with respect to these people is this, as we humbly apprehend, whether good policy dictates or requires the holding them still under their civil Obligation in this instance, or the releasing them from it and in the present case restoring them to a state of nature? And of this the respondents are sure your excellency and honours cannot rightly judge unless the real character and true springs of action of the people professing themselves baptists, in this part of the county in particular, (we profess not to be acquainted with others) are fairly laid before you.

And here the truth obliges us to declare, that those people with and about us, who have now assumed the name of anabaptists were originally separates, as they were vulgarly called, from the established churches, without other name or distinguishing appellation than that of *Separatists*. The causes or springs of whose separation have been such as these—to wit with some it was an unconquerable desire of being *teachers;* a privilege or indulgence which could be no otherwise insured to them, but by a disorderly separation from the churches to which they belonged and seting up a meeting of their own (a thing easily effected when enthusiasm runs high) calculated for their purpose, and regulated according to their own peculiar taste. Others have gone off on account of some disgust or prejudice taken and imbibed either against their minister or some of their brethren, which their virtue was not sufficient to overcome and remove—

Some have left the Churches and gone to those people because they had been guilty of such offences as justly exposed them to a kind of discipline to which they could not feel themselves willing to submit. And some have had the effrontery to say, that the standing ministry is corrupt, ministers themselves unconverted, the churches impure & unholy, admitting unconverted and unsanctified persons into their communion &c In a word these meetings or churches or whatever else they might be called, as well since as before they took their present denomination, have been a kind of receptacle for scandalous and disorderly christians: and may, with some degree of propriety, be considered as a sink for some of the filth of christianity in this part of the country; and on this account, chiefly, do they merit, (if this be meritorious)—Thus pride, vanity, prejudice, impurity and uncharitableness seem to have originated, and much also to have supported a sect so pure that they cannot hold communion with ordinary christians. We would, however, candidly suppose some of these people have been influenced by motives in themselves good and pure, but by their connections and converse they must, by this time have much forfeited their former right to candour and a charitable judgment—People whose springs of action are so low and corrupt cannot reasonably be supposed to be influenc'd in their religious matters by virtuous and steady principles, accordingly it has been ever found from their original that they have no stability, nor their covenants any perpetuity; For some of them, after entering into their peculiar kind of covenant, have broke to pieces & formed anew three or four times within about thirty years; And even at this day, one of these separate soscieties (professing now to be baptists) whose whole number collected out of several towns—amounts only to twenty male members, or thereabouts, is divided into two parts, the one too pure for communion with the other. And thus they have been in a fluctuating unstable state from the beginning. Apprehending at length that some distinguishing appellation might intitle them to more notice and respect, and hoping at the same time to serve a purpose they have long appeared to have in view, viz the saving of their mony, they have of late collected and formed their divided and broken numbers into one baptist, or anabaptist soscietv or church; from which as was observed above some have already gone off. It would be tedious, and more than the respondents choose at present, to enter so minutely into the history of these people as otherwise might be proper to establish the matters above alledged; whenever it shall be thought necessary it can and will be done—

At present we shall content ourselves with assuring your excellency and honours that the foregoing account is not exaggerated.

We beg leave to observe here, that as it belongs to the justice of the legislature to protect and support all regular religious soscieties of protestants of every denomination, so it equally belongs to their wisdom and prudence not to encourage such as cannot, in any tolerable sense, answer the valuable ends of religion to the Community—The legislature, we humbly conceive, *cannot, with any propriety, interpose*

in matters of religion, farther than to *secure* the *good* and prevent the *ill* effects of it to the state. Whenever, then, any religion or profession wears an ill-aspect to the state, it is become a proper object of attention to the legislature—Of this kind, most evidently, is that religion which rejects men of learning and ability for teachers, and altogether chooses such as are illiterate and men of ordinary abilities. It's evils do not need to be pointed out. It may suffice to mention one thing which is a clear consequence of it, and that is a kind of poisoned enthusiasm which perplexes and endangers the churches—And this is the religion of y^e^ people whom we have been describing—

It is therefore humbly hoped that if any farther indulgencies or exemptions should be granted the baptists, a just and necessary distinction may be made between those soscieties which are regularly formed and properly organised, and such whose very being reproaches religion, and their principles subversive of all those ends of it which it is the proper business of y^e^ legislature to secure to the state as far as shall be found practicable—

Having said these things, in general, we beg to be heard more particularly in answer to the first prayer of the said petition—And in the first place would observe to your excellency and honours, that ashfield, formerly huntstown, is a township which was granted to a number of persons for public services then thought to merit such a favour. The grant, however, was upon these conditions (besides certain reservations that were made) to wit, that the grantees or their assigns should settle sixty families in the township, build a meeting house, and settle a learned orthodox minister of the gospel there, or in other words, a legal minister—And without *performing* the *Conditions* of the grant, we apprehend neither the original grantees or their assigns could hold their lands—If any certain time was limited for the fulfilling these conditions, the impossibility of doing it on account of the indian wars, has procured us the favour of the government, & the forfeiture has not been taken. As soon as it was found practicable the proprietors begun the settlement, and have ever since been pursuing the business as fast as might reasonably be expected under those difficulties & embarrassments which have been assiduously thrown in the way—

The respondents beg leave to shew in the next place that the monies which have been granted and raised by virtue of the act complained of by the petitioners, have been raised chiefly for the purposes of fulfilling those conditions above mentioned and for repairing the ways—And it ought to have prevented the complaints of these people to consider, that they were under the same necessity to raise these monies that the other proprietors were, in order to hold their estates. They took their lands upon conditions well known; if they now dislike them, reason and common sense loudly proclaim that they ought to sell their estates to those who would gladly purchase them with those conditions annexed, or else that they entirely hold their peace—And we trust, when facts are truly & fully stated to your excellency and honours, you will find these people have not now, and indeed never had any just ground of complaint against us on account of our having sold their lands; so far from this, they have even wilfully & perversely obliged us to do it.

By the act complained of the proprietors of Ashfield were not only enabled to raise mony for building their meeting house and repairing their ways, but, as was reasonable in the infant state and low circumstances of the inhabitants at that time and perfectly agreable to or rather in exact pursuance of the true spirit of y^e^ Conditions upon which they held their estates, perplexed too as they were by the baptists, they were also impowered to raise mony for the support of their minister; and for these purposes have they raised monies as they had occasion—To show that this grant of power to y^e^ proprietors to raise mony for supporting their minister was perfectly conformable to the spirit of the conditions of the original grant of their lands, we beg leave to observe, That the obligation or injunction laid upon the proprietors by the government to settle sixty families and a minister, can have no other so worthy and generous intendment as this, viz That all the proprietors of whatever denomination should contribute equally towards the support of the first legal minister, until the people supporting him should amount to sixty householders in number; and if the best and most worthy intendment be the best rule of construction, then, as there was not at the time of making this grant of power to the proprietors that number of householders actually there, the consequence is clear that the monies raised by virtue of the act were merely for the purpose of performing y^e^ Conditions of y^e^ grant, even that for supporting the minister among the rest—

As the proprietors have assessed the monies raised for these several purposes, generally & indiscriminately, the baptists have ever taken advantage of it, and worked out their rates upon the ways (heedfully however spending that labour upon those ways which might more immediately benefit themselves, which ought to have been laid out on the ways in general in the Town) And by this means they have frequently brought the proprietors into their debt and received orders upon the treasury—This notwithstanding, when called upon for their rates they have refused to pay them and taken the mony due for that labour out of the Treasury; and thus forced us into measures of which they now unreasonably complain. And so far have we been from a wanton and unreasonable use of the power given us by that act, and wholly to take away the plea of inability, when their lands have been by such perverseness forced upon sale to raise their rates, we have frequently offered them the loan of our mony to prevent y^e^ sale, and it hath been as often rejected.

We beg leave to observe before we finish this head, that the representation the petitioners make in their petition is both very unfair and false—They represent that 398 acres of their land worth £363 lawful mony have been sold for £19. 3. for building a meeting house in which they have *no part*, and for setling and supporting a minister *they cannot hear*. As the valuing their lands is wholly arbitrary, they

may fix that value as they please; we do not believe they are of so great value—But, as to the number of acres sold, the representation is not true, there having been only 306 acres sold in the whole—If y^e^ sum for which it was in fact sold be really small, the proprietors are not to be charged with fault—There was not only great care taken to sell those lands, the sale of which might least incommode the owner, but great pains also to obtain the value of them—but the highest bidder according to custom must have it—and purchasers can't be laid under any force or control in those cases—

That the proprietors have ever knowingly sold any of their lands laid out for a burying place, is not true. One of the lots, part of which is sold, we have since the sale been informed has had one still-born infant buried in it; but whether y^e^ lines including the part sold will take in that infant; is matter of real doubt and uncertainty; however this may be, we can truly say, we have no disposition to disturb their dead. The charge of our having sold a dwelling house, we are constrained to say, is notoriously untrue. As is that also of our pulling up their apple-trees and throwing down their fences.

The former is so far from the truth, that we have ever been desirous to know where the loss of their lands would least hurt them, and scrupulously endeavoured to serve them in this particular; altho' when we have made the inquiry y^e^ answer has been 'sell where you please'—The petitioners further say that the proprietors have sold part of the lands of 'the Rev^d^ Ebenezer Smith a regularly ordain'd 'baptist minister'—As this seems to be particularly pointed & is clearly intended to represent a grievance of a *peculiar* and *extraordinary* kind, the respondents humbly trust they shall be indulged a manly and just freedom in their remarks upon it, & by the gravity and seriousness of these remarks shall hope to set their candour and good temper in the best light at the same time—In answer then to this part of y^e^ charge we confidently affirm that y^e^ same is grossly collusive, and nothing less than an insult upon this hon^ble^ Assembly—That there is such a man as Ebenezer Smith, is true—That this same Ebenezer Smith is '*a regularly ordained minister*' in a legal, or scriptural, or any other commonly received sense of y^e^ words, is as notoriously not true. By an antient statute of this province a minister is to be 'able learned, orthodox'—By a later statute in addition to it, no man, who has not had an education at some university College or public academy, or received a degree from one of these, or at least received testimonials respecting his being qualified for the work of the ministry from the major part of the ministers in the county in which he is minister, is intitled to the benefits expressly provided in the law for ministers—and therefore in law *is not a minister*. And one who has not some of those qualifications cannot, especially in an address to y^e^ legislature, with any propriety or truth, be called a regularly ordain'd minister. And that this M^r^ Smith has *no one* of the requisites or qualifications pointed out above, not only we, but the petitioners themselves perfectly know; *except*, perhaps, *orthodoxy*—And even of this we must doubt, if ability constitutes in part, the rule for determining this point—In proof of his unfitness in point of ability, (and he can have nothing else) it shall suffice to note one instance of his weakness and unpardonable ignorance as a teacher—taking occasion to say something in one of his discourses upon that passage of scripture in which mention is made 'of the thick bosses of God's buckler'—instead of 'buckler'—he gave his hearers y^e^ word 'butler'—being interrogated by one occasionally present as to his meaning, he explained himself so as clearly shewed he meant to connect the other part of y^e^ sentence with 'butler'—in the proper and commonly received sense of the word. And we have good reason to conclude he still remains unassisted by any extraordinary supernatural light or influence; and at the same time to say, that he has none of y^e^ qualifications of a minister according to the laws of Christ, or of this province, unless those of *simplicity* and *orthodoxy*—He will appear still less to deserve so high a stile when it is considered, that the governing views in his ordination were, the preventing the proprietors any advantage from y^e^ legal & regular settlement of the ministry among them, and their, that is, the baptists availing themselves of the right and other advantages which belonged to the first legal incumbent.

[1692-93, chap. 26.]
[1759-60, chap. 24.]

We mention this not only to support the charge of collusion & abuse, but also to convince your excellency and honours, that y^e^ people who with *such* views will ordain and receive *such* a teacher, cannot greatly merit of the government—These things might be sufficient to shew that their whole complaint (or indictment rather) is groundless, but since they have represented their situation as most disastrous and sad under an administration as just and mild as any under heaven, and seem to be claiming exemptions upon the plea of conscience, we must beg to be heard a word upon this point also—& In order to show that, both the plea of these people and their claim upon that plea are groundless, we would observe that their pretensions cannot be supported by facts. Those who first left the churches, (and those also who have gone off since) separated upon some of those grounds of separation above pointed out. The leader and father of the separates (as they are most properly called) at Ashfield left y^e^ church of south hadley among other reasons because they did not see fit to espouse a quarrel he had engaged in with one of the brethren, for telling a most trifling story about his pulling the teeth of his own children to make trial of certain instruments he had been constructing for the purpose—So far from being baptists, they never for a course of years, to our knowledge, pretended to be of that denomination; or thought of refusing to pay taxes with us; but were acting and voting with us in the affairs of the propriety—And their conduct, both then and ever since, has savour'd more of a high kind of quakerism, than any thing Else—(*in religion*)—The truth is at first, and for some time, they neither knew what they were nor how to name themselves—Pride and vanity (some of the earliest springs of separation) having caused them irregularly and unwarrantably to leave the humble

post of the ordinary and modest christian for that of teachers, they exercised themselves in this business till it had grown somewhat easy; their importance and the difficulty of a return to their duty encreasing in pretty equal proportion, it soon became impossible for persons so holy as they, and favoured with such an extraordinary friendly correspondence with heaven as they were, to submit to the humiliating circumstances that must attend a dutiful return to their first station—Thus they have been forced by their pride into that religious course in which they still remain—But, as we said above, they have all along been anonymous, till they happened upon the lucky name of baptists; assumed, we have no doubt, to serve that grand purpose their petition holds up to view—This account, we humbly trust, will not only fully wipe off or prevent the reproach intended *us*, but also place y^e *government* in a better point of light than has been intended by them.

On the whole, as the act complained of was made to aid the proprietors in performing the Conditions of the grant of the township, and did not extend their power further than was clearly necessary, as the proprietors have always endeavour'd religiously to conform in their proceedings to y^e directions of it and never wantonly or unnecessarily sold the lands of y^e baptists, and as the people of this denomination at ashfield cannot ground a claim of favour upon any of those valuable ends of religion to the community, which every profession entering such claim ought manifestly to answer, the respondents rest assured, that your excellency and honors will not, for anything offered by the petitioners, grant their prayer for the repeal of the said act—For the same reasons, together with these in addition, to wit, that the taxes for procuring which the baptists lands were sol^d, were raised for purposes which they were equally with us bound to see effected and in effecting of which they as a body and as individuals have really profited, and that it would be both unjust and illegal and set the government against itself to order restitution or damages according to the prayer of the petition, they rest farther assured, that for any thing offered by the petitioners your excellency and honours cannot, and therefore they humbly trust you will not grant any part of the said first prayer of the petition—all which We humbly submit to this honourable Court.—and as in duty bound will ever pray &c—

JONATHAN TAYLOR
TIMOTHY LEWIS
SAM^EL. BELDING
BENJA PHILLIPS
PHILIP PHILLIPS
} Com^tee of the s^d Proprietors."

—*Mass. Archives, vol.* 14, *p.* 596.

"Apr. 12, 1771. A Petition of Benjamin Beal and others Proprietors of Lands in Ashfield in the County of Hampshire—Setting forth That a number of the Proprietors of the said Ashfield unknown to the Petitioners applied to the General Court and, in the eighth year of his Majesty's Reign, obtained an Act to impower the said Proprietors to raise Monies for sundry uses in said Act mentioned; by virtue of which, large Sums of Money have been assessed on the Lands in said Town, which have been paid by the Proprietors, or their Lands sold for that purpose—That the Petitioners apprehend this way of raising and collecting Monies is attended with great expence and much wrong thereby oft times done to the poor, the Widow and the Fatherless—And, inasmuch as the said Proprietors have paid within eight or ten years past about fifteen hundred pounds lawful money—Praying that they may be relieved.

In the House of Representatives—Resolved that the prayer of the foregoing Petition be so far granted as that the Petitioners notify the Proprietors of Ashfield of this Petition by leaving with the Clerk of said Proprietors an attested Copy of this Petition that they shew cause, if any they have, on the second Wednesday of the next Session of the General Court why the prayer thereof should not be granted, and that all proceedings in consequence of the Law of this Province, in the Petition mentioned, be staid in the mean time; the Copy above referred to, be left with the Clerk of the said Proprietors thirty days at least before the said second Wednesday of the next Session of the General Court. In Council, Read & Concurred, Consented to by the Governor."—*Council Records, vol. XXVIII., p.* 506.

"Apr. 17, 1771. A Petition of the Rev^d Samuel Stillman and others a Committee of the Baptist Churches met in association at Bellingham in Septem^r last—as entered the 15 day of November last.

In Council, Read again together with the Answer and Ordered that William Brattle and William Sever Esq^rs with such as the hon^ble House shall join be a Committee to take the same into consideration, hear the parties and make Report what they think proper this Court should do thereon. In the House of Representatives, Read and Concurred and Cap^t Barney, M^r Akin and M^r Ingersoll of Westfield are joined."—*Ibid., p.* 519.

"Apr. 25, 1771. The Committee appointed the 17 instant on the Petition of the Rev^d Samuel Stillman and others a Committee of the Baptist Churches, made the following Report viz^t

The Committee upon the Petition of the Rev^d M^r Stillman Smith and Davis have attended the service assigned them and very fully heard the parties, beg leave to Report—1^st That if said Reverend Gentlemen had in their Petition treated the General Court with more good manners and truth, they would have cast no blemish upon their sacred Character by so doing—2^dly There is an essential difference between Persons being Taxed where they are not represented, therefore against their Wills and being Taxed when represented and when what is Taxed is only in consequence of what was the very condition of their Grant, which no body compelled them to enter into, but was intirely voluntary on their part: If a Person of any denomination removes from hence to England in order to purchase a Freehold and lives there—he knows what the consequence will be as to his paying Tythes, yet

after he does remove and purchase there, can he with any justice complain when Tythes are demanded, and upon a refusal to pay for them or to be destrained on for them; or when a Man purchases an Estate under a Mortgage and he knows it to be so, what sort of Conscience would that be that could not consistent therewith discharge the same? The Petitioners complain that their Estates were taken from them against their Wills: and very right it should be so when their wills and their Consciences are against doing what they engaged to do and what if they had not engaged to do they would never have had any grant of them at all. The General Court have made sundry Laws for the relief of Baptists: The last gave universal satisfaction 'till of late, but still if there can any thing further be done for their relief consistent with the Laws of God or Man, or not repugnant to either, your Committee hope it will be done, and therefore upon the hearing earnestly desired the Revd Mr Davis in writing to lay before the Committee what he desired further might be done so as that we might lay it before your Excellency and Honors. Your Committee would further observe that A D 1735 upon the Petition of Ebenezer Hunt and others, the Court granted them a Township of the contents of six miles square, and that said Town should be laid out into sixty three equal shares, three for Public uses, and that on each of the sixty shares the Petitioners in three years from the confirmation of the Grant settle one good Family, have a House built, six acres of Land brought too, and that they settle a learned Orthodox Minister there, build and finish a convenient Meeting house for the Public Worship of God, and that each settler give Bond &c to the Province Treasurer for the fulfilment of said Conditions, and if the duty on any lot was not performed, said Lot with its rights to revert and be at the disposition of the Province.—That A D 1765 said Plantation was erected into a Township by the name of Ashfield wherein it was Enacted that all Taxes that should be raised for settling a Minister, for his support or for building a Meeting house &c be levied on the several Proprietors of said Plantation according to their interests until the further Order of the Court: This Act of Incorporation no ways militates with the Conditions of the original Grant but is rather in affirmance of them. In the eighth year of the Reign of his present Majesty there was an additional Act to the first mentioned in no wise repugnant to the other, wherein provision is made for the sale of any Proprietors Land lying in said Town that should be delinquent in performing the Conditions aforesaid.—Now the Petitioner Smith and others are aggrieved at these proceedings, say they are deprived of their Charter Right, liberty of Conscience; that they are persecuted, and that they ought to be free from performing these Conditions on their parts, because they are of another Perswasion viz^{t} Baptists, and that by the Laws of the Province relating to the exemption of Baptists they are excused; and the Laws relative to Ashfield so far as they respect them touching Ministerial charges or the building of a Meeting house should be repealed and they exempt from paying Taxes as aforesaid:—Upon which your Committee beg leave to observe, that in humble imitation of the spirit and disposition of the good people of this Province and of the whole Legislature of it for a great many years back if they thought it any way effected liberty of Conscience, in the least militated with any Law of the Province in their favor, we should Report in favor of their Petition, but we apprehend quite the contrary for the reasons following viz^{t} There never was a Law relating either to Churchmen Baptists or Quakers exempting them from paying Taxes considered as Proprietors or Grantees in a new Plantation. The Laws relative to them respect only such Rates as are assessed by Towns, District, or Parish, and this distinction is very material and very rational and not anti-christian. The end and design of the Grant of waste Lands by the General Court is this, that they shall be improved, that which was meer nature should be cultivated and improved for the increase of his Majesty's good Subjects in this Province, their Trade, produce and business; this is quite agreable to the design of King William and Queen Mary in their Grant of the Charter: but how can this be effected when perhaps half in every new granted Township refuse complying with the Conditions of the Grant, pleading Conscience, which Conditions they were perfectly acquainted with when they accepted the Grant. In new Townships the Grantees when all unite to perform the Conditions go thro' a vast many hardships and encounter a thousand difficulties before the same are performed; to excuse any under any pretence whatsoever therefore would be unreasonable and cruel upon the rest, if they were obliged to do their own duty and the duty of their delinquent Brethren. Is this Conscience? Or is it conscience that a Man should not be obliged to do what he hath solemnly and voluntarily covenanted to do? Now what other method can be devised, but to sell the Lands of those *who conscientiously say they will not be as good as their word or keep their Covenant tho' it be so greatly to the prejudice of the Public?* Is it not more favorable to these delinquents that part of their Land be sold in fulfilment of their engagements than that the whole should revert to the Province? which is the very Tenure of their Grant and by which they hold their Lands—Your Committee find that in the sale of these Lands there was no unfairness but every thing was quite fair, quite neighbourly and quite legal. Upon the whole your Committee tho' desirous that every thing might be done that can be desired for Persons of every denomination of Christians whereby they may worship God in their own way and according to their Consciences without any let or molestation whatsoever; yet for the reasons abovementioned and many more that might be offered it is our opinion that said Petition be dismissed.

W. BRATTLE by Order

Upon which the following order passed viz^{t}—In Council, Read and accepted and Ordered that the said Petition be dismissed accordingly.

In the House of Representatives, Read and Nonconcurred and Ordered that Mr Denny, Cole Bowers and Mr Ingersoll of Great Barrington with such as the honble Board shall join be a Committee to bring in a Bill for repealing and making void an

Act made and passed in the eighth year of his present Majesty's Reign intitled, 'An Act in addition to an Act for erecting the new Plantation called Huntstown in the County of Hampshire into a Town by the name of Ashfield.'—In Council, Read and Nonconcurred."—*Ibid.*, *p.* 556.

"To the Right Hon^ble the Lords Commissrs of Trade and Plantations.

The humble Petition of Samuell Stennett. D.D. on behalf of the Baptists in Ashfield in the County of Hampshire New England.

Sheweth,

That by a Grant from the General Assembly 1765, the Plantation of Hunts-town in the County of Hampshire was erected into a Township by the name of Ashfield with a condition that the Settlers should build a Meeting place and support an Independent Minister—That 17 families were settled in Ashfield, of which 12 being Baptists, a Baptist Church was immediately established there—That the Independents also established a Church there, requiring the Baptists to support *their* Minister, agreeable indeed to the terms of the Grant but contrary to a General Law freeing Baptists and Quakers from taxation towards the support of other Churches—That the Baptists therefore refused to pay towards the support of the Ashfield Independent Minister That in May or June 1768 an Act passed in addition to the aforesaid Act of 1765 which confirmed the Grievance complained of—That the Baptists still refusing to comply their effects were destrained for payment That they have since petitioned the Assembly for a repeal of the Ashfield Law passed in 1768, and that, not having obtained such repeal, Your Petitioner—humbly prays, on behalf of the said Baptists, that his Majesty will be graciously pleased to disallow the said Ashfield Act and as speedily as may be judged convenient, as the time limited for the King's disallowing it is now very near expiring. [1765–66, chap. 13.] [1757–58, chap. 20.]

Your Petitioner begs leave also further to observe, that he apprehends the Act passed Nov. 20. 1770, at the request of the Baptists, for the amendment of the General law in their favor, does not operate to remedy the Grievance complained of in the Ashfield Act of 1768 and apprehends that this is the opinion of Governor Hutchinson, as well as the Baptists themselves—He also presumes, if any other object of the Ashfield-Law (besides that respecting the interests of the Baptists and Quakers) shou'd be affected by the General disallowance of the said Act, that that inconvenience may be remedied by the Assembly's passing another Bill to that purpose

And Your Petitioner &c."—"*Mass. Bay*, *B. T.*," *vol.* 81, *O. o.*, 13.

"Wednesday May 22^nd 1771.

At a Meeting of His Majesty's Commissioners for Trade and Plantations.

Present

M^r Eliot M^r Roberts
M^r Fitzherbert. M^r Whately

* * * * * *

Read a Memorial of Dr. Stennett praying their Lordships to recommend to His Majesty to disallow an Act passed in the Province of Massachusetts Bay in June 1768 'by which the Antipedo Baptists and Quakers are compelled to pay to the 'support of a Minister of a different persuasion'

Their Lordships thereupon read and considered the said Act and it was ordered that the Draught of a Representation to His Majesty should be prepared, proposing that it may be disallowed.

* * * * * *

SOAME JENYNS."—"*Trade Papers*," *vol.* 73, *p.* 120.

"At the Court at St. James's the 31^st day of July 1771.

Present

The King's Most Excellent Majesty in Council Whereas the Great or General Court or Assembly of His Majesty's Province of the Massachusetts Bay in New England did in June 1768 pass an Act which hath been transmitted intitled as follows, viz^t—

An Act in addition to an Act intituled an Act for erecting the New Plantation called Hunts Town in the County of Hampshire into a Town by the name of Ashfield.

Which Act together with a Representation from the Lords Commissioners for Trade and Plantations thereupon having been referred to the consideration of a Committee of the Lords of His Majesty's most Honorable Privy Council for Plantation Affairs—The said Lords of the Committee did this day Report as their opinion to His Majesty that the said Act ought to be disallowed—His Majesty taking the same into consideration was pleased with the advice of His Privy Council to declare his Disallowance of the said Act; and to order that the said Act be and it is hereby disallowed and rejected—Whereof the Governor, Lieutenant Governor or Commander in Chief of His Majesty's said Province of the Massachusetts Bay for the time being and all others whom it may concern are to take notice and govern themselves accordingly."—"*Mass. Bay*, *B. T.*," *vol.* 81, *O. o.*, 62.

"When such noise was made at Boston about the Ashfield affair, Governor Hutchinson happened to look and find that the word *Support* was not in the original grant of those lands; and perhaps he might hope, that by relieving the Baptists, he should draw them to his side of the controversy betwixt America and Britain. Be that as it may, he privately sent for one of their committee, and advised him to send the Ashfield law to a friend in London, who might present it to the King in Council; and he promised to write to Governor Bernard, who passed it, to use his influence to have it repealed. This was done, and its repeal was effected, and then their oppressors had their turn at waiting upon one Assembly after another unsuccessfully; for though several acts were framed for them, yet the consent of the Governor

could not be obtained, till they found out what his mind was, and conformed to it." —*Backus's History of the Baptists, 2 ed., vol. 2, p. 160.*

See, further, 1770–71, chap. 10, 1772-73, chap. 30, and 1773–74, chap. 24; and notes, *post:* also, 1757–58, chap. 20, *ante.*

Chap. 6. "June 2, 1767. A Petition of the Freeholders & other Inhabitants of the Town of Windham in the County of Cumberland—Praying that the assessors or Selectmen of the said Town for the time being may be authorized to Assess on every acre of the several hundred acre lots in said Town, not otherwise Taxed, one penny yearly towards supporting the charges of clearing and preparing Roads, building a meeting House, supporting the public worship and other public charges necessarily arising in the Town.

In the House of Representatives. Read & Ordered that the nonresident proprietors of the Town of Windham be notified by the Petitioner of this Petition by inserting it in three of the Boston news papers three weeks successively to shew cause on the second Wednesday of the next sitting of this Court why the prayer should not be granted. In Council, Read & Concurred."—*Council Records, vol. XXVII., p.* 13.

"Mar. 4, 1768. A Petition of the Town of Windham Praying liberty to assess on the 100 acre Lots in said Town not otherwise taxed, one penny yearly per acre to help defrey the charges of said Town as entered the 2d of June last.

In the House of Representatives. Resolved That the Assessors of the said Town of Windham for three years next ensuing be authorized and impowered to Assess yearly one penny ℔ᵗ acre on every hundred acre Lot in said Town of Windham not otherwise taxed, except ministerial and School Lands. That the said Assessors be impowered to enforce the payment of such Tax by legal Sale of so much of the delinquents Lands as shall be necessary to pay the said Tax and charges thereupon arising; and that the said Town be impowered in their March Meetings for the said three years next coming to choose two Collectors one of them to be an Inhabitant of Marblehead: That one half of the money raised by said Tax be paid into the hands of the Treasurer of the said Town of Windham to be by them applied to the paying the minister and other Town charges the other half to be paid into the Proprietors Treasury to be by them applied to the opening and making passable such ways as still remain in a wilderness State. In Council, Read and Concurred, Consented to by the Governor."—*Ibid., p.* 288.

Chap. 9. "Jan. 24, 1764. A Petition of Joseph Wilder, Caleb Dana and Jonathan White, a Committee Chosen by the Owners of Lands in Boston Town Nº 1, otherwise called Charlemont at a legal Meeting on the 20th day of October last, Setting forth, That the Said Township was heretofore granted to the Town of Boston, and by them sold to John Reed Esqr who reserving 1700 Acres to himself sold the remainder, the present owners thereof have (such of them as are residents) been protected through the War, and divers others have not fulfilled the duties enjoined upon them and Praying that a Tax of one penny per Acre be laid on all the Lands in said Town for the term of three years, except the Public Lands, and certain Lands of Messrs Hancock Baldwin and Cunningham, who have given away one half their several Rights to procure the Settlement of the said Town.

In the House of Representatives Resolved That a Tax of one penny per Acre be laid upon the Lands in the within mentioned Township (twenty five hundred Acres belonging to Thomas Hancock Esqr five hundred Acres belonging to the Heirs of Mr Nathaniel Cunningham four hundred and forty Acres belonging to Mr David Baldwin, and the Public Lands excepted) for the space of three Years next to come, and that the Money so raised shall be improved for the following purposes viz[t] for the Settlement of a Minister, the Support of preaching, finishing the Meeting House, and for further clearing the Roads in such manner as the proprietors of Lands there shall order and determine at their Meetings for such purposes called and held, and the Assessors and Constables or Collectors of said Township are hereby impowered to assess and Collect and Collect * the same and in case of delinquency in any of the Proprietors bound by this Tax that their Lands shall be subject to Sale as is provided by the Laws of this Province in case of Nonpayment of Taxes in Proprietors. In Council Read and Concurred."—*Council Records, vol. XXV., p.* 149.

"June 4, 1766. A Petition of Aaron Rice agent for the Town of Charlemont—Setting forth That the Grantees of said Township have so conducted their Affairs as to have at this time only thirty Families settled therein, altho' the Grant was made near thirty years since upon the like conditions of settlement as other Towns. That the General Court have already granted a Tax of one penny ℔ᵗ Acre for three years on all the Lands in said Town for making Roads, building a Meeting House and Mills and for the support of divine Worship, notwithstanding which the Meeting House is only raised & covered; that they have no Minister yet settled, and one half of the Inhabitants are in low Circumstances, whereby they are rendered unable to do these things themselves. And praying that the Nonresident proprietors may be obliged to fulfil the conditions of Settlement, so far as belongs to them, and that there may be a tax of one penny ℔ᵗ Acre for the term of three years granted on all the Lands lying in said Town for the purposes beforementioned.

In the House of Representatives. Read and Ordered that the Nonresident proprietors be notified of this Petition by inserting the same in two of the Boston News papers three Weeks successively that they may shew cause if any they have on the second Wednesday of the next Session why the prayer of the Petition should

* *Sic.*

not be granted, and also why the Condition of the Grant has not been complyed with. In Council, Read and Concurred."—*Ibid., vol. XXVI., p.* 223.

"Feb. 6, 1767. A Petition of Aaron Rice in behalf of the Inhabitants of Charlemont praying for a Tax on the Lands of the Nonresident Proprietors as entered the 4th of June last.

In Council Read again together with the Answer of William Read Esqr And Ordered That Thomas Flucker Esqr with such as shall be joined by the honourable House be a Committee to take the same into consideration, hear the Parties and Report—In the House of Reprs Read & Concurred & Capt John Brown & Mr Gardner are joined."—*Ibid., p.* 365.

"Feb. 18, 1767. The Committee appointed the 6th Instant on the Petition of Aaron Rice of Charlemont made Report & the following Order passed thereon vizt—

In Council, Read and accepted: and Ordered that there be a Tax of one penny ℔ Acre yearly granted for three years upon all the Lands in the Town of Charlemont (Public Lands excepted) and that the money thereby arising be applied as follows vizt Fifty Pounds part of said Money towards finishing the Meeting House already set up in said Town, and that the remainder of it be applied to pay for Preaching the Gospel and settling & supporting a Minister. And that the said Tax be final so far as respects those Proprietors who have settled a proportionable number of Families in said Town. The Petitioners to enter an Account of their doings in the Town Books. In the House of Representatives, Read & Concurred. Consented to by the Governor."—*Ibid., p.* 397.

Chap. 12. The following petition was read in the House of Representatives, Feb. 5, 1765, and referred to a committee, who reported a bill, on the 18th of the same month, which provided for the building and maintaining a bridge, at the place designated, at the equal, joint expense of the town of Westfield and the county of Hampshire. This bill was committed, the next day, and the petitioners were directed to prepare a new draught. The new bill was read a first time, in the House, Feb. 21, and, by the 27th of the same month, was enacted. See, *ante*, 1764–65, chap. 23.

"To his Excellency Francis Bernard Esqr Captain General & Governour in Chief in & over his Majesty's Province of the Massachusetts Bay in New England & vice Admiral of the same to the Honourable his Majesty's Counsel & House of Representatives in General Court now sitting at Boston—January 9th A D 1765. The Petition of David Mosley, Eldad Taylor, John Shepherd, Elisha Parks, & Samuel Mather a Committee chosen & appointed by the Town of Westfield for that Purpose, most humbly sheweth;—That whereas the Town of Westfield for twenty years last past, chiefly at their own Expence & Charge, have kept and maintained a cart Bridge of twenty four Rods in length a cross Westfield great River near the Mills, to the great Utility & Advantage not only to the Inhabitants of said Town & the Towns adjacent, but to the Publick in general, in Time of the Freshets or high Water, which frequently happen in the Course of a Year for many Days together so deep & rapid as to render it impassable at any of the ford Ways, which Inundation increased the last Spring viz in February to such a Degree as to carry away the Mill Dam above the Bridge, which was the Safeguard of the Bridge & which was followed with the total Destruction of Said Bridge (which was something decayed by Age) although it was the second Bridge in that Place built within twenty years, & altho' the Town willing to exert themselves to the last Degree to the Support of a Bridge there for the publick Good as well as their own yet finding themselves over burthened with heavy Charges constantly arising on them from the numerous other Bridges they support a cross the divers Rivers & Streams running through sd Town & with which the Town is very much embarrassed they cannot by any Means agree to rebuild Sd Bridge at their own Cost & Charge as they are overborne with Expences of the like Nature. Therefore we your Memorialists humbly hope that your Excellency & Honours will take the Premises into your wise Consideration & take such Steps & make such Orders respecting the same as you in your Wisdom shall think proper in Order to the Rebuilding Said Bridge, which must unavoidably fail without your Honours Interposition & your Petitioners as in Duty bound shall ever pray—

Westfield Jany 9th 1765.

DAVID MOSLEY
ELDAD TAYLOR
JOHN SHEPARD
ELISHA PARKS
SAMUEL MATHER
} Committee for the Town of Westfield"—

Mass. Archives, vol. 121, *p.* 425.

The act of 1764–65, chap 23, provided that the town of Westfield might build and maintain the bridge, and authorized the court of sessions for the county of Hampshire, upon application of the town of Westfield, to tax the inhabitants of such of the several towns and districts in the county, as the court should think it reasonable, for the expense; the money to be raised in such sums as the court should agree upon, from time to time. The act did not provide that any portion of the expense should be actually incurred by the town of Westfield before applying to the court of sessions, nor was any power conferred upon the court to control the erection, repairs or management of the bridge. The court, in the exercise of their discretion, declined to levy a tax or order any allowance, under the circumstances; whereupon, the inhabitants of Westfield again appealed to the Legislature for assistance, in the following petition, which was read in the House, and referred to a committee, Jan. 27, 1766:—

"To his Excellency Francis Bernard Esqr Capt Genl & Govr in Chief in & over his Majesty's Province of Massachusetts Bay in Nw England & Vice Admi of the Same. To the honble his Majesty's Council & the House of Repr in genl Court As-

sembled at Boston fifteenth day of January Anno Dom: 1766—The Petition of the Inhabitants of the Town of Westfield in the County of Hampshire; Humbly Shewing, that we labour under great Difficulty & Disadvantage, for want of a cart Bridge, over the great River in Westfield at or near Wellers Mills; where the last Bridge stood; and we being unable among ourSelves, to build and maintain a Bridge, over that River: By Reason of the great Number of chargeable Bridges, in the Town over considerable Rivers & Streams; that the Situation thereof, renders us singularly chargeable with; And the Inhabitants in Years past have sustained heavy Charges in building, and maintaining Bridges; over the River at the Mills; which have been highly serviceable; for Carriages and Travellers; & would still remain So; was one there erected. And the Inhabitants having made Application to the Court of Sessions, for the County, for Some Assistance (who were impowered to grant the Same) to enable the Inhabitants, to build & maintain a Bridge there; at two Terms successively; & the Court of Sessions for the County have wholly neglected, to consider our Application, or to grant any Help or Assistance upon the Premisses. Wherefore the Inhabitants humbly pray your Excellency & Honors would take our Case under your wise Consideration; & grant us such Help & Assistance upon the Premisses; as might enable us, to build & maintain a Bridge at the Mills aforesaid: or such other Methods as your Excellency & Hon^rs in your Wisdom shall see meet; and as in duty bound your Petition^rs in behalf of the Inhabitants shall ever pray.

ELDAD TAYLOR
WILL^M DAY — ELISHA PARKS
SAMUEL MATHER — JOHN INGERSOLL
JOHN PHELPS
AZARIAH MOSLEY } Comt^tee"—*Ibid., p.* 436.

"June 14, 1766. A Petition of Eldad Taylor Esq^r and others, Inhabitants of the Town of Westfield as entered 24^th [27th] Jan^y last—Setting forth That they labour under great difficulty for want of a Cart Bridge over the Great River in said Town, and being unable themselves to build and maintain one, praying the aid and assistance of this Court.

In the House of Representatives. Read again and Ordered That the Resolve of this Court of the 18^th [27th] of February last upon said Petition be confirmed, and that Maj^r Foster and Col^o Ward with such as the Hon^ble Board shall join be a Committee for the purpose mentioned therein. In Council, Read and Concurred, and Benj^a Lincoln Esq^r is joined in the affair."—*Council Records, vol. XXVI., p.* 256.

"The Committee to whom was Refer'd the petition of the Agents of the Town of Westfield in the County of Hampshire praying the said Town might be assisted in building & maintaining a Bridge Over the River near Willers mills So Called. the Committee by Order of this Court Repair'd to the s^d River view'd the Same & fully heard the Agents & the Com^tee Oppointed by the s^d County, & Others Interested, beg leave to Report that a Bridge Over the s^d River at the place abovementioned is absolutely necessary for the Inhabitants of the s^d Town, & will be of utility to Sundry Towns & plantations within the s^d County of Hampshire, & very usefull for the East & west Travelling it also appears to the Committee that the Covering of s^d Bridge between the Buttments will be near Twenty Two Rods & the Charge of Building & maintaining the Same with ye other necessary Bridges within the s^d Town too great a Burthen for Them in proportion with the Other Towns in the County of Hampshire. therefore your Comm^ttee are of opinion the s^d County ought to Contribute one third part of the Charge of Building the s^d Bridge, but not held to pay any part towards the maintaince thereof. to be assess'd upon the Inhabitants of s^d County or Such part thereof as the Justices of the Gen^ll Sessions of the peace shall order agreeable to a Law of this Province made in the fifth year of his present Majestys Reign

all w^c is Humbly Submitted
BENJ^A LINCOLN *per* Order."—*Mass. Archives, vol.* 121, *p.* 444.

Although it appears, by the indorsements thereon, that this report was read and accepted in Council as early as Feb. 20, 1767, and that the following order in the House was passed only three days thereafter, the following paragraphs are taken from the Council Records as of the date hereunder given: —

"Mar. 10, 1767. The Committee appointed the 14^th of June last on the Petition of the Town of Westfield praying that they might be assisted in building and maintaining a Bridge in said Town near Wellers Mills, having reported it as their Opinion that the County of Hampshire ought to contribute one third part towards the charge of building such Bridge, but that they be not held to pay any part towards its maintenance, the following Order passed thereon viz^t—

In Council, Read and accepted: And Ordered that the Petitioners have liberty to bring in a Bill accordingly. In the House of Representatives, Read & nonconcurred and Ordered that the Petitioners have leave to withdraw the Petition.

In Council, Read and Concurred."—*Council Records, vol. XXVI., p.* 454.

Nothing further has been discovered relating to this subject, until June 24, 1768, when, according to the House Journal, upon the petition of John Ingersoll, "praying that the court of General Sessions of the Peace for the county of Hampshire, may be empowered to assess a sum of money on all the inhabitants in said county, for erecting the bridge," &c., an order was passed, in the House, that a resolve be brought in, to notify the towns and districts in Hampshire County, of the petition. Upon being sent up to the Council this order was nonconcurred in, on the 25th; and the following order was passed, which, notwithstanding the date hereunder given, appears to have been concurred in by the House on the same day.

"June 27, 1768. A Petition of John Ingersol of Westfield—Setting forth—That it would be very beneficial to the Inhabitants of the County of Hampshire to have a

Bridge built over Westfield River in the great Road from Boston to Albany and that the same would be very commodious for Travellers; but that it would be too great a burthen on the said Town to be at the sole expence of building such Bridge. That he apprehends a great part of the County would be well pleased to have it built at the charge of the County. And praying that the Court of General Sessions of the Peace for the County aforesaid may be impowered, if they see cause, to assess a Sum of money on all the Inhabitants of said County sufficient for the said purpose.

In Council, Read and Ordered that the Petitioner have liberty to bring in a Bill for the purpose mentioned in his Petition. In the House of Representatives, Read and Concurred."—*Ibid., vol. XXVII., p.* 386.

Chap. 13. "In humble obedience to Your Lordship's commands, signified to me by M^r^ Pownall I have perused and considered Eleven Acts passed by the Governor, Council and House of Representatives of His Majesty's Province of the Massachusetts Bay in the years 1768 and 1769 intitled;

* * * * * *

An Act to prevent a failure of justice by means of Offenders in any of His Maj^ty^'s Colonies on this Continent escaping into this Province or from one County of this Province into another to avoid the punishment of their offences

* * * * * *

I am humbly of opinion that the same are proper in point of law."—*Report of Mr. Jackson to the Lords of Trade, Jan.* 14, 1771: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 5.

Chap. 16. "June 11, 1762. The following Report was offered by the Committee appointed for the purpose therein mentioned viz

The Committee appointed by the Great and General Court the 17^th^ day of February 1762 for selling nine Townships and ten Thousand acres of the Province Lands lying in the Counties of Hampshire and Berkshire to such as would give most for the same on the Conditions mentioned in the Order aforesaid; after giving Publick Notice of the time and place of Sale attended said Service at Boston the 2^d^ day of June Instant at the Royal Exchange Tavern in King Street, and Sold the same at Publick Vendue to the highest Bidder viz^t^

* * * * * *

N^o^ 3. A Township to contain the Quantity of six miles square lying between Ashuelot Equivalent so called and the New Township called New Hingham, to bound Easterly on the Westerly line of the last mentioned Township to square off six miles from said given line, to Aaron Willard Esq^r^ for Eighteen hundred and sixty pounds and have received of him Twenty pounds, and taken bond of said Willard together with John Worthington and Timothy Dwight jun^r^ Esq^r^ for Eighteen hundred and forty pounds."—*Council Records, vol. XXIV., p.* 422.

"June 12, 1766. In the House of Representatives. Whereas in June 1762 Aaron Willard jun^r^ of Lancaster Esq^r^ purchased of this Province the new Township N^o^ 3 lying in the County of Hampshire adjoining to the Township of Chesterfield for himself and four Others, his associates in the said Purchase, and gave his Bond to the Treasurer of the Province with Sureties for the purchase money agreeable to the Order of this Court &c.

And whereas the said purchaser and his associates have made partition between themselves of some considerable part of the said Land, and are now ready to make considerable payment in part of the said Aaron's Bond aforesaid. And the said Aaron and his associates aforesaid being desirous and having moved this Court that they may make their several Securities to the Province Treasurer for their several proportions of the Sum that may remain unpaid on his Bond aforesaid.

Resolved, That the Province Treasurer be permitted to accept the several Securities of the said purchaser and his said associates for their respective proportions of the Sum due on the said Aaron's Bond aforesaid; they giving their Bonds with sufficient sureties effectually to secure the payment thereof; and that the same being done the said Treasurer be directed to deliver up to the said Aaron his said original Bond. In Council, Read and Concurred. Consented to by the Governor."—*Ibid., vol. XXVI., p.* 251.

TABLE

Showing the beginning and end of each year of the reigns of the Sovereigns of England, from the beginning of the thirty-first year of George the Second, to the end of the ninth year of George the Third.

31st of George the Second	from June 11, 1757,	to June 11, 1758.
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1st of George the Third	from Oct. 25, 1760,	" 25, 1761.
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* Sir Thomas Pelham (Holles), Bart., was made Viscount Haughton and Earl of Clare, Oct. 19, 1714; and, on the 11th of August following, he was made Marquess of Clare and Duke of Newcastle-upon-Tyne. Later he had other dignities conferred upon him, but he was never Viscount Clare. See Newcastle, *infra*.

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CONTAINED IN THIS VOLUME.

LIST OF THE PUBLIC ACTS.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1757-58.—First Session.	1757.		
5	Chapter 1. An act for erecting the district of Danvers into a township by the name of Danvers [1751-52, chap. 14] . .	June 16,	1759. Aug. 10,	- -
6	Chapter 2. An act for apportioning and assessing the sum of eighty-one thousand three hundred eighty-six pounds thirteen shillings and fourpence; and also for apportioning and assessing a further tax of three thousand five hundred and seventy-one pounds fifteen shillings, paid the representatives for their service and attendance in the general court, and for their travel, and for fines laid upon towns that have sent no persons to represent them at the general court this year [1755-56, chap. 4, § 8; 1755-56, chap. 29, § 7; 1756-57, chap. 3, § 5; 1756-57, chap. 37, § 3; 1757-58, chap. 3, § 6; 1755-56, chap. 32, § 1]	June 16,	-	Mar. 31, 1758.
17	Chapter 3. An act for supplying the treasury with the sum of eighty-five thousand pounds, to be thence issued for discharging the public[k] debts, and drawing the same into the treasury again [1755-56, chap. 4, § 5; chaps. 13, 15, 18, 27, and 46; 1756-57, chaps. 3, 22, 29, and 37]	June 13,	-	- -
20	Chapter 4. An act for supplying the treasury with the sum of three thousand five hundred pounds, and for lending the same to the town of Boston . .	June 15,	-	- -
22	Chapter 5. An act to prevent damage being done on the meadows and beaches lying in the township of Barnstable, on the south side of the harbour, contiguous to [to] the common fields in said town [1747-48, chap. 5] . .	June 4,	-	June 25, 1767.
23	Chapter 6. An act to prevent damage being done on the lands lying in the township of Yarmouth, called Nobscusset [1749-50, chap. 15; 1754-55, chap. 29],	June 15,	-	June 25, 1767.
25	Chapter 7. An act for continuing an act made and passed in the twenty-ninth year of his present majesty's reign, intitled "An act in addition to an act made in the twenty-ninth year of his majesty's reign, intitled 'An act making provision for the inhabitants of Nova Scotia, sent hither from that government, and lately arrived in this province'" [1755-56, chap. 35] .	June 16,	-	Aug. 1, 1757.
	Second Session.			
26	Chapter 8. An act for granting the sum of thirteen hundred pounds for the support of his majesty's governour . .	Aug. 31,	-	- -
26	Chapter 9. An act in further addition to the act for limitation of actions, and for avoiding suits in law where the matter is of long standing [1755-56, chap. 22; 1748-49, chap. 17; 1740-41, chap. 4]	Aug. 31,	-	Mar. 31, 1760.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1757-58.—SECOND SESSION—*Con.*	**1757.**		
27	Chapter 10. An act in addition to an act intitled "An act in addition to the act for providing of pounds, &c[a]" [1703-4, chap. 10]	Aug. 31,	-	Sept. 1, 1760.
27	Chapter 11. An act to prevent neat cattle, horses and sheep running at large and feeding on the be[e][a]ches beween Wells and Ogunquit Harbours, in the town of Wells, and to prevent the mowing of the same	Aug. 31,	-	Jan. 31, 1761.
29	Chapter 12. An act providing remedy for bankrupts and their creditors [St. 5 Eliz., chap. 9]	Aug. 31,	1758. July 28,	June 15, 1759.
	THIRD SESSION.	**1758.**		
45	Chapter 13. An act in addition [to] an act, intit[u]led "An act for regulating the hospital on Rainsford's Island, and further providing in case of sickness" [1756-57, chap. 33, § 4] . .	Jan. 25,	-	- -
46	Chapter 14. An act for raising the sum of one thousand two hundred pounds by lottery, for building and maintaining a bridge over Saco and Pesumpscot Rivers, in the county of York	Jan. 11,	-	- -
46	Chapter 15. An act for incorporating a neck of land called Mer[r]iconeag Neck, and certain islands adjacent in the county of York, into a seperate district by the name of [Harpswell] . . .	Jan. 25,	-	- -
47	Chapter 16. An act making provision for the quartering and billeting recruiting officers and recruits in his majesty's regular forces employed for the protection and defence of his majesty's dominions in North America . . .	1757. Dec. 1,	-	Dec. 1, 1758.
49	Chapter 17. An act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters [1755-56, chap. 32] . . .	Dec. 31,	-	Apr. 21, 1761.
51	Chapter 18. An act in addition to the several acts of this province for regulating the militia [1693-4, chap. 3, § 27; 1738-39, chap. 5; 1742-43, chap. 16; 1699-1700, chap. 17, §§ 1 and 2]	1758. Jan. 25,	-	Mar. 1, 1760.
55	Chapter 19. An act for granting unto his majesty an excise upon spirits distilled and wine, and upon limes, lemmons and oranges	Jan. 25,	-	Mar. 26, 1759.
67	Chapter 20. An act further to exempt persons commonly called Quakers and Annabaptists from paying ministerial taxes [1747-48, chap. 6; 1752-53, chap. 15] .	Jan. 25,	-	Feb. 1, 1761
68	Chapter 21. An act for altering a clause in an act made in the thirtieth year of his present majesty's reign, intitled "An act to prevent damages being done unto Billingsgate Bay, in the town of Eastham, by cattle and horses feeding on the beach and islands adjoining thereto" [1756-57, chap. 31, §§ 4 and 5]	Jan. 11,	-	- -
	FOURTH SESSION.			
69	Chapter 22. An act to prevent bribery and corruption	March 25,	-	- -

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1757-58.—FOURTH SESSION—*Con.*	1758.		
70	**Chapter 23.** An act for regulating the proprietors of the meadow and flat ground within the cove called the little harbour, in the township of Hingham, in the county of Suffolk	Mar. 25,	-	- -
70	**Chapter 24.** An act [for] laying an embargo upon ships and other vessel[l]s in this province	Mar. 25,	-	June 1, 1758.
71	**Chapter 25.** An act providing for the reception and accommodation of his majesty's forces within this province . .	Mar. 25,	-	June 30, 1758.
72	**Chapter 26.** An act in addition to an act made and passed this present year, intit[u]led "An act in addition to the several acts of this province for regulating the militia" [1757-58, chap. 18, § 1] .	Mar. 25,	-	Mar. 1, 1760.
73	**Chapter 27.** An act to prevent soldiers and seamen in his majesty's service from being arrested for debt	Mar. 25,	-	Dec. 1, 1758.
74	**Chapter 28.** An act for the speedy discovering and ascertaining the sum or quantity of the manufactory bills, so called, that are still outstanding [1754-55, chap. 24]	Mar. 25,	-	- -
74	**Chapter 29.** An act in addition to the act intitled "An act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges" [1757-58, chap. 19; 1756-57, chap. 21]	Mar. 25,	-	Mar. 26, 1759.
76	**Chapter 30.** An act impowering the province treasurer to borrow twenty-eight thousand pounds	Mar. 25,	-	- -
77	**Chapter 31.** An act for reviving and continuing sundry laws that are expired and near expiring [1736-37, chap. 15; 1737-38, chap. 8; 1737-38, chap. 9; 1740-41, chap. 23; 1741-42, chap. 5; 1746-47, chap. 26; 1747-48, chap. 7; 1748-49, chap. 9; 1749-50, chap. 6; 1749-50, chap. 27; 1750-51, chap. 5; 1750-51, chap. 17; 1752-53, chap. 16; 1752-53, chap. 18; 1752-53, chap. 20; 1753-54, chap. 44; 1754-55, chap. 31] . .	Mar. 25,	-	Apr. 1, 1763.
79	**Chapter 32.** An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Mar. 25,	-	Mar. 26, 1759.
	FIFTH SESSION.			
86	**Chapter 33.** An act for preventing loss or damage by means of a non-observance of a late act of this province intitled "An act for granting to his majesty several duties upon vellum, parchment and paper, for two years, towards defreying the charges of this government" [1754-55, chap. 18] . . .	Apr. 24,	-	- -
86	**Chapter 34.** An act for the speedy levying of soldiers for an intended expedition .	Apr. 26,	-	May 2, 1758.
88	**Chapter 35.** An act for supplying the treasury with a sum of money by lottery . .	Apr. 29,	-	- -
90	**Chapter 36.** An act in addition to an act made and passed this present year, intitled "An act for the speedy levying of soldiers for an intended expedition" [1757-58, chap. 34]	Apr. 28,	-	June 1, 1758.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1757-58.—FIFTH SESSION—*Con.*	1758.		
91	**Chapter 37.** An act in addition to an act, intitled "An act for preventing the unnecessary destruction of alewives and other fish, within this province" 1754-55, chap. 31, § 1]	Apr. 29,	–	Apr. 1, 1763.
	1758-59.—FIRST SESSION.			
145	**Chapter 1.** An act for apportioning and assessing the sum of eighty-two thousand and thirteen pounds six shillings and eightpence; and also for apportioning and assessing a further tax of one hundred and seventy-seven pounds, for fines laid upon towns that have sent no persons to represent them at the general court this year [1756-57, chap. 3, § 5; 1756-57, chap. 22, § 2] .	June 15,	–	Mar. 31, 1759.
156	**Chapter 2.** An act in addition to an act intitled "An act to prevent the desertion of soldiers during the present war with France, and the loss of arms," &c. [1756-57, chap. 36, § 1] . . .	June 8,	–	Jan. 11, 1763.*
157	**Chapter 3.** An act for preventing any deficiency in the number of soldiers to be raised within this province for the intended expedition against Canada [1757-58, chap. 36, § 2]	June 15,	–	– –
160	**Chapter 4.** An act for supplying the treasury with the sum of one hundred and eighty thousand pounds, to be thence issued for discharging the public debts, and drawing the same into the treasury again [1757-58, chap. 18, § 6; 1757-58, chap. 30]	June 15,	–	– –
163	**Chapter 5.** An act for granting the sum of thirteen hundred pounds, for the support of his majesty's governour .	June 15,	–	– –
163	**Chapter 6.** An act in addition to the several acts for the better regulating the Indians [1753-54, chap. 6; 1700-1, chap. 9] .	June 15,	–	Nov. 28, 1761.
	SECOND SESSION.			
165	**Chapter 7.** An act for altering the times appointed for holding the courts of general sessions of the peace and inferiour courts of common pleas at Plymouth, within and for the county of Plymouth [1742-43, chap. 32; 1753-54, chap. 33],	Oct. 14,	–	– –
165	**Chapter 8.** An act providing for the reception and accommodation of his majesty's forces within this province [1757-58, chap. 25]	Oct. 12,	–	Mar. 31, 1759.
166	**Chapter 9.** An act in further addition to the several acts of this province for the regulating the militia [1757-58, chap. 18, § 1]	Oct. 14,	–	Oct. 31, 1758.

* Preliminary articles of peace were signed at Paris, Nov. 3, 1762, tidings of which reached Boston, Jan. 11, 1763, from which date hostilities here were finally suspended. The definitive treaty was concluded on the 10th of February following, and proclaimed in London on the 26th of March; and although these facts were published in Boston as early as the 21 of May, and the treaty itself was printed in the public papers in Boston, May 23, its ratification was not proclaimed here until Aug. 10, upon the arrival of letters to the Governor from the Lords Commissioners for Trade and Plantations signifying the King's pleasure that a day of public thanksgiving be appointed to celebrate the event. The thanksgiving was observed the next day after the proclamation had been made.

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
		1758-59.—THIRD SESSION.	1759.		
168	Chapter 10.	An act to enable creditors to re-c[ie][*ei*]ve their just debts out of the effects of their absent or absconding debtors [1748-49, chap. 6; 1753-54, chap. 28]	Feb. 13,	-	- -
170	Chapter 11.	An act to confirm and render effectual an agreement between sundry persons claiming property and interest in the common and undivided lands in a neck of land in Framingham, in the county of Middlesex . . .	Feb. 13,	-	- -
173	Chapter 12.	An act for erecting the second precinct in the town of Hadley, in the county of Hampshire, into a district, by the name of Amherst	Feb. 13,	-	- -
174	Chapter 13.	An act for incorporating the inhabitants of the west wing of Rutland, in the county of Worcester, into a precinct	Feb. 13,	-	- -
174	Chapter 14.	An act to prevent a multiplicity of lawsuits [1742-43, chap. 25; 1754-55, chap. 5]	Feb. 13,	-	- -
175	Chapter 15.	An act making provision for the quartering and billeting recruiting officers and recruits in his majesty's regular forces employed for the protection and defence of his majesty's dominions in North America [1758-59, chap. 8, § 3]	Jan. 17,	-	June 1, 1759.
176	Chapter 16.	An act in addition to an act intit[*u*]led "An act to prevent fraud in cord-wood exposed to sale" [1705-6, chap. 8, § 1]	Feb. 13,	-	Feb. 25, 1763.
178	Chapter 17.	An act in further addition to an act intit[*u*]led "An act for explanation of and supplement to an act referring to the poor," &c. [1740-41, chap. 20; 1741-42, chap. 4; 1749-50, chap. 16] .	Feb. 13,	-	Feb. 15, 1764.
180	Chapter 18.	An act providing that the solemn affirmation of the people called Quakers shall in certain cases be accepted instead of an oath in the usual form [1743-44, chap. 20; 1747-48, chap. 6] .	Feb. 13,	-	Feb. 10, 1764.
		FOURTH SESSION.			
182	Chapter 19.	An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Mar. 28,		Mar. 26, 1760.
189	Chapter 20.	An act in further addition to the several laws now in being for the more speedy finishing the Land-bank or Manufactory Scheme [1748-49, chap. 16; 1754-55, chap. 24; 1757-58, chap. 28; 1743-44, chap. 17]	Mar. 28,	-	- -
191	Chapter 21.	An act for the speedy levying of soldiers for an intended expedition against Canada [1758-59, chap. 23] .	Mar. 28,	-	June 1, 1759.
195	Chapter 22.	An act in addition to an act intituled "An act for the speedy levying of soldiers for an intended expedition against Canada" [1758-59, chap. 21],	Mar. 28,	-	June 1, 1759.
195	Chapter 23.	An act subjecting the inhabitants of the island of Nantucket to an assessment towards the charge of defending his majesty's territories, in lieu of their personal service [1755-56, chap. 32]	Mar. 15,	-	Mar. 22, 1761.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1758-59.—FOURTH SESSION—*Con.*	**1759.**		
197	**Chapter 24.** An act to enable the widows of such non-commission officers and soldiers as served in the pay of this province under the general and commander-in-ch[ei][*ie*]f of his majesty's forces in North America, in the years 1757 and 1758, and are since deceased intestate, to receive the wages due to such officers or soldiers without administration upon their estates . .	Mar. 15,	-	- -
197	**Chapter 25.** An act to prevent soldiers and seamen in his majesty's service from being arrested for debt [1746-47, chap. 2; 1753-54, chap. 41, §§ 17, 18, 19] . .	Mar. 17,	-	Nov. 1, 1759.
198	**Chapter 26.** An act providing for the support and maintainance of such French prisoners as may be taken or sent in by the province ship King George . .	Mar. 14,	-	Jan. 11, 1763.
198	**Chapter 27.** An act for further continuing the act for [e][*i*]ntituled "An act providing for the reception and accom[*m*]odation of his majesty's forces within this province" [1758-59, chap. 8] . .	Mar. 28,	-	June 1, 1759.
199	**Chapter 28.** An act for supplying the treasurer with the sum of forty-six thousand pounds [1758-59, chap. 21, § 5] . . .	Mar. 26,	-	- -
201	**Chapter 29.** An act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges	Mar. 20,	-	Mar. 26, 1760.
213	**Chapter 30.** An act for continuing the act for establishing and regulating the fees of the several officers within this province [1756-57, chap. 30] . . .	Mar. 26,	-	Oct. 12, 1759.
	FIFTH SESSION.			
215	**Chapter 31.** An act in addition to an act intit[*u*]led "An act for the speedy levying of soldiers for an intended expedition against Canada," made in the thirty-second year of his present majesty's reign [1758-59, chap. 21, § 5] . .	Apr. 24,	-	June 1, 1759.
215	**Chapter 32.** An act for supplying the treasury with the sum of twenty-two thousand pounds	Apr. 24,	-	- -
218	**Chapter 33.** An act in addition to an act intituled "An act for regulating of fences, cattle, &c." [1693-4, chap. 7] . .	Apr. 24,	-	May 1, 1761.
219	**Chapter 34.** An act in addition to, and for explanation of, an act, intituled "An act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges" [1758-59, chap. 29, §§ 1 and 2] . .	Apr. 24,	-	Mar. 26, 1760.
220	**Chapter 35.** An act for reviving and continuing sundry laws that are expired or near expiring [1739-40, chap. 8; 1739-40, chap. 12; 1752-53, chap. 12] . .	Apr. 24,	-	June 10, 1766.
220	**Chapter 36.** An act in addition to an act [e][*i*]ntituled "An act for the effectual preventing the currency of the bills of credit of Connecticut, New Hampshire and Rhode Island within this province," made and passed in the thirtieth year of his present majesty's reign [1756-57, chap. 34, § 6] . .	Apr. 24,	-	Mar. 31, 1762.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1758-59.—FIFTH SESSION—*Con.*	1759.		
221	Chapter 37. An act in addition to "An act relating to executors and administrators" [1703-4, chap. 12; 1719-20, chap. 9] .	Apr. 24,	-	Apr. 17, 1764.
222	Chapter 38. An act for raising a further sum of money by a lottery or lotteries for compleating the pavement of the neck leading out of the town of Boston, called Boston Neck [1755-56, chap. 24]	Apr. 24,	-	- -
223	Chapter 39. An act for raising a sum of money by a lottery or lotteries for the paving and repairing the highway in Roxbury from Boston line to the foot of the Meeting-house hill, leading towards Dedham	Apr. 24,	-	- -
	1759-60.—FIRST SESSION.			
247	Chapter 1. An act for granting the sum of thirteen hundred pounds, for the support of his majesty's governour . . .	June 15,	-	- -
247	Chapter 2. An act for apportioning and assessing the sum of ninety-four thousand seven hundred and eighty pounds three shillings and twopence; also for apportioning and assessing a tax of three hundred pounds, for fines laid upon towns that have not sent any persons to represent them in the general court the present year; also for apportioning and assessing a tax of five thousand one hundred and thirty-four pounds eleven shillings, paid the representatives for their travel, service and attendance in the general court, in the years one thousand seven hundred and fifty-seven, and one thousand seven hundred and fifty-eight; also for assessing a tax of six hundred and sixty-two pounds four shillings and sixpence, upon the town of Sherburn, upon Nantucket, in lieu of their proportion of soldiers for carrying on the present war; and also for assessing a tax of three thousand and fifty-three pounds one shilling and fourpence, upon sundry towns, to be levied upon the people called Quakers, in lieu of furnishing their respective quotas of men for the military service, in the years one thousand seven hundred and fifty-eight, and one thousand seven hundred and fifty-nine [1757-58, chap. 3, § 7; 1757-58, chap. 4, § 3; 1757-58, chap. 30, § 2]	June 15,	-	Mar. 31, 1760.
263	Chapter 3. An act for erecting the plantation called New Marlborough, in the county of Hampshire, into a district by the name of New Marlborough .	June 15,	-	- -
264	Chapter 4. An act in addition to an act intituled "An act for erecting the township of New Salem, so called, in the county of Hampshire, into a district" [1753-54, chap. 2]	June 15,	-	- -

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1759-60.—SECOND SESSION.	1759.		
265	Chapter 5. An act for erecting the new plantation called Narragansett Number Two, in the county of Worcester, into a district by the name of Westminster [1757-58, chap. 2; 1758-59, chap. 1; 1759-60, chap. 2]	Oct. 20,	–	– –
266	Chapter 6. An act for erecting the east wing of Rutland, so called, in the county of Worcester,—and sundry farms contiguous thereto, lying between Lancaster and Narraganset[*t*], Number Two,—into a sep[e][*a*]rate district by the name of Princetown . . .	Oct. 20,	–	– –
267	Chapter 7. An act for incorporating the inhabitants of a tract of land called Neguasset, in the county of York, into a district by the name of Woolwich,	Oct. 20,	–	– –
268	Chapter 8. An act for supplying the treasury with the sum of one hundred and forty-four thousand and five hundred pounds, to be thence issued for discharging the publick debts, and drawing the same into the treasury again	Oct. 20,	–	– –
270	Chapter 9. An act to supply the treasury with the sum of forty-one thousand five hundred and forty pounds [1758-59, chap. 28, § 3; 1758-59, chap. 32, § 5] . .	Oct. 17,	–	– –
272	Chapter 10. An act for raising a sum of money by a lottery or lotteries, for repairing the causeway on the westerly side of Sudbury River, and for building a bridge over said river	Oct. 20,	–	– –
275	Chapter 11. An act providing for the reception and accom[*m*]odation of his majesty's forces within this province . .	Oct. 20,	–	Mar. 31, 1760.
276	Chapter 12. An act for the relief of poor prisoners for debt [1741-42, chap. 6; 1692-3, chap. 18, § 9]	Oct. 20,	–	Apr. 1, 1763.
278	Chapter 13. An act for reviving sundry laws that are expired [1742-43, chap. 17; 1745-46, chap. 16; 1746-47, chap. 6; 1753-54, chap. 43; 1755-56, chap. 39; 1755-56, chap. 43]	Oct. 20,	–	Apr. 1, 1763.
279	Chapter 14. An act to revive an act intitled "An act making provision for the quartering and billeting recruiting officers and recruits in his majesty's regular forces employed for the protection and defence of his majesty's dominions in North America" [1758-59, chap. 15]	Oct. 20,	–	June 1, 1760.
	1759-60.—THIRD SESSION.	1760.		
280	Chapter 15. An act in further addition to the act for limitation of actions, and for avoiding suits in law where the matter is of long standing [1757-58, chap. 9; 1740-41, chap. 4; 1755-56, chap. 22; 1748-49, chap. 17]	Jan. 16,	–	Mar. 31, 1763.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1759-60.—THIRD SESSION.—*Con.*	1760.		
281	**Chapter 16.** An act for applying the sum of twenty-seven thousand five hundred and seventy-four pounds ten shillings, lawful money, remitted to the province by Mr. Agent Bollan, to the payment of the officers and soldiers in the late expedition against Canada [1759-60, chap. 8]	Jan. 25,	–	– –
281	**Chapter 17.** An act impowering the province treasurer to borrow the sum of sixty thousand pounds	Feb. 13,	–	– –
283	**Chapter 18.** An act to prevent soldiers and seamen in his majesty's service from being arrested for debt [1758-59, chap. 25].	Feb. 13,	–	Jan. 11, 1763.
284	**Chapter 19.** An act in addition to the several acts against desertions and for the punishment of deserters [1744-45, chap. 11; 1746-47, chap. 23; 1756-57, chap. 36; 1758-59, chap. 2]	Feb. 13,	–	Jan. 11, 1763.
284	**Chapter 20.** An act to enable the widows of such non-commission officers and soldiers as served, in the pay of this province, under the general and commander-in-chief of his majesty's forces in North America, in the year 1759, and are since deceased, intestate, to receive the wages due to such officers or soldiers, without administration upon their estates [1758-59, chap. 24]	Feb. 13,	–	May 1, 1765.
285	**Chapter 21.** An act relating to ferries . . .	Feb. 13,	–	– –
286	**Chapter 22.** An act for incorporating certain lands lying west of Sheffield into a separate district by the name of Egremont .	Feb. 13,	–	– –
287	**Chapter 23.** An act for erecting the new plantation called Frankfort, lying upon the east side of the river Kennebeck, in the county of York, into a township by the name of Pownalborough . .	Feb. 13,	–	– –
288	**Chapter 24.** An act in further addition to an act intit[u]led "An act for the settlement and support of ministers and schoolmasters" [1692-93, chap. 26] .	Feb. 13,	–	– –
288	**Chapter 25.** An act for raising a sum of money by lottery, for drawing in such of the notes or bills of the late Land-Bank or Manufactory Company, as are yet outstanding [1758-59, chap. 20] . .	Feb. 13,	–	Sept. 1, 1761.
291	**Chapter 26.** An act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned [1756-57, chap. 30]	Feb. 13,	–	June 25, 1765.
298	**Chapter 27.** An act for granting unto his majesty several rates and duties of impost and tunnage of shipping	Feb. 13,	–	Mar. 26, 1761.
305	**Chapter 28.** An act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges	Feb. 13,	–	Mar. 26, 1762.
	FOURTH SESSION.			
318	**Chapter 29.** An act for the better regulating the choice of petit jurors [1756-57, chap. 13, § 10]	Mar. 29,	–	Mar. 31, 1767.
320	**Chapter 30.** An act for the prevention of danger and inconvenience in rebuilding that part of the town of Boston that was lately consumed by fire [1692-93, chap. 13].	Mar. 29,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1759-60.—FOURTH SESSION—*Con.*	**1760.**		
321	Chapter 31. An act for further regulating the partition of real estates [1692-3, chap. 14, § 1; 1742-43, chap. 24; 1748-49, chap. 12],	Mar. 29,	-	- -
322	Chapter 32. An act to enable the town of Weymouth to regulate and order the taking and disposing of the fish called shadd and alewive[s], within the limits of that town . . .	Mar. 29,	-	Mar. 29, 1765.
323	Chapter 33. An act to prevent damage being done on the meadows lying in the township of Yarmouth, called Nobscussett meadow [1749-50, chap. 15; 1754-55, chap. 29]	Mar. 29,	-	Mar. 31, 1770.
324	Chapter 34. An act for reviving and continuing sundry laws, that are expired and near expiring [1738-39, chap. 25; 1740-41, chap. 20; 1741-42, chap. 14; 1742-43, chap. 16; 1742-43, chap. 20; 1742-43, chap. 27; 1742-43, chap. 19; 1743-44, chap. 23; 1746-47, chap. 10; 1746-47, chap. 11; 1746-47, chap. 17; 1746-47, chap. 18; 1748-49, chap. 13; 1751-52, chap. 19; 1756-57, chap. 32] . .	Mar. 29,	-	Mar. 29, 1770.
	FIFTH SESSION.			
326	Chapter 35. An act in addition to an act, intituled "An act for raising the sum of twelve hundred pounds by lottery, for building and maintaining a bridge over the River Parker, in the town of Newbury, at the place called Oldtown Ferry" [1750-51, chap. 14] . . .	Apr. 28,	-	- -
327	Chapter 36. An act for raising a sum of money by lottery, for removing the rocks and shoals in Taunton Great River, and thereby to render the navigation in said river more easy and less hazardous	Apr. 24,	-	Apr. 1, 1762.
329	Chapter 37. An act for raising a sum of money, by a lottery or lotteries, for the paving and repairing the highway in Charlestown, leading from the ferry to the neck, so called	Apr. 24,	-	- -
333	Chapter 38. An act to prevent damage being done on a beach at Monument Ponds, in the township of Plymouth, lying between the lands of the late Thomas Clark and Joseph Bartlet, deceased, and on a certain tract of marshy ground lying under water there .	Apr. 28,	-	May 10, 1767.
334	Chapter 39. An act for erecting the westerly part of the town of Brimfield, in the county of Hampshire, into a district by the name of Monson . . .	Apr. 28,	-	- -
335	Chapter 40. An act to supply the treasury with four thousand five hundred pounds,	Apr. 28,	-	- -
	1760-61.—FIRST SESSION.			
367	Chapter 1. An act for granting the sum of three hundred pounds for the support of his honour the lieutenant-governor and commander-in-chief . . .	June 20,	-	- -
367	Chapter 2. An act in addition to an act intituled "An act for the better regulating the choice of petit jurors" [1759-60, chap. 29]	June 12,	-	Mar. 31, 1767.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1760-61.—FIRST SESSION—*Con.*	1760.		
368	**Chapter 3.** An act to impower William Bollan and John Pownall, Esquires, to receive such sums of money as have been assigned to the province of the Massachusetts Bay, out of the grant made by the parliament of Great Britain, for the expences incurred by the respective provinces in North America, in the levying cloathing and pay of the troops raised in the year one thousand seven hundred and fifty-eight,	June 20,	–	– –
369	**Chapter 4.** An act to authorize and impower Benjamin Pratt, John Worthington, and Joseph Hawley, Esqrs., to transact certain affairs of this province, respecting the unappropriated lands in the western part thereof [1701-02, chap. 11]	June 20,	–	June 20, 1765.
370	**Chapter 5.** An act for reviving and continuing sundry laws that are expired and near expiring [1744-45, chap. 25; 1744-45, chap. 26; 1745-46, chap. 7; 1748-49, chap. 13; 1749-50, chap. 22; 1749-50, chap. 23; 1749-50, chap. 24; 1751-52, chap. 17; 1749-50, chap. 3; 1756-57, chap. 5]	June 20,	–	Aug. 3, 1770.
370	**Chapter 6.** An act [to] [*for*] supply[*ing*] the treasury with the sum of seventy thousand two hundred and fourteen pounds [1758-59, chap 4, § 7; 1758-59, chap. 28, § 3; 1758-59, chap. 32, § 5; 1759-60, chap. 8, § 4; 1759-60, chap. 16] . .	June 21,	–	– –
372	**Chapter 7.** An act for erecting and establishing two new counties in the easterly part of the county of York . .	June 21,	–	– –
375	**Chapter 8.** An act for supplying the treasury with the sum of one hundred and eight thousand pounds, to be thence issued for discharging the publick debts, and drawing the same into the treasury again [1757-58, chap. 18] . .	June 20,	–	– –
378	**Chapter 9.** An act for the better rebuilding that part of the town of Boston which was laid waste by the late fire, and for preventing fire in that town for the future [1760-61, chap. 32; 1692-93, chap. 13],	June 20,	–	– –
380	**Chapter 10.** An act impowering William Bollan, Esq., and, in case he is prevented by sickness or death, Barlow Trecothick, Esq , to receive the sum which is or shall be assigned to the province of the Massachusetts Bay, out of the sum of two hundred thousand pounds sterling, granted by the parliament of Great Britain for the expence incurred by the respective provinces in North America, in the levying, cloathing and pay of the troops raised by the same, in the year of our Lord one thousand seven hundred and fifty-nine . . .	June 20,	–	– –
381	**Chapter 11.** An act for apportioning and assessing the sum of ninety-four thousand eight hundred and seventy-seven pounds eleven shillings; also for apportioning and assessing a tax of sixty-nine pounds, for fines laid upon towns that have not sent any persons			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1760-61.—FIRST SESSION—*Con.*	1760.		
	to represent them in the general court the present year; also for apportioning and assessing a tax of two thousand three hundred and seventy-nine pounds four shillings, paid the representatives for their travel, service and attendance in the general court in the year one thousand seven hundred and fifty-nine; also for assessing a tax of nineteen pounds eighteen shillings upon the town of Falmouth and district of Harpswell, in the county of York, to be levied upon the people called Quakers, in lieu of furnishing their respective quotas of men for the military service in the year one thousand seven hundred and fifty-eight [1758-59, chap. 4, § 7; 1758-59, chap. 28, § 3; 1758-59, chap. 32, § 5; 1759-60, chap. 8, § 4; 1759-60, chap. 16] . .	June 20,	–	Mar. 31, 1761.
398	Chapter 12. An act to continue the loan of three thousand five hundred pounds to the town of Boston [1757-58, chap. 4, §§ 5 and 6]	June 20,	–	Mar. 31, 1764.
400	Chapter 13. An act for the more easy division and distribution of intestate estates .	June 20,	–	July 20, 1762.
	SECOND SESSION.			
401	Chapter 14. An act for granting the sum of thirteen hundred pounds, for the support of his majesty's governor . . .	Aug. 15,	–	– –
401	Chapter 15. An act for raising a further sum of money, by a lottery or lotteries, for compleating the pavement of the highway, in Roxbury (from Boston line to the foot of the Meeting-house Hill), leading towards Dedham [1758-59, chap. 39]	Aug. 15,	–	– –
	THIRD SESSION.			
403	Chapter 16. An act for finishing such commissions as have been begun to be acted upon, and have not been finished, during the continuance in force of the act providing remedy for bankrupts and their creditors [1757-58, chap. 12]	Dec. 24,	–	– –
404	Chapter 17. An act for allowing necessary supplies to the eastern Indians, and for regulating trade with them and preventing abuses therein [1752-53, chap. 14],	1761. Jan. 30,	–	Jan. 31, 1764.
407	Chapter 18. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Jan. 31,	–	Mar. 26, 1762.
414	Chapter 19. An act to prevent damage being done on the meadows and beaches lying in and adjoining on the north side of the town of Harwich, between Skeket harbour, on the east, and Quivet harbour, on the west [1749-50, chap. 26],	Jan. 31,	–	Jan. 31, 1771.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1760-61.—THIRD SESSION—*Con.*	1761.		
415	**Chapter 20.** An act for repealing the several laws now in force, which relate to the observation of the Lord's Day, and for making more effectual provision for the due observation thereof [1692-93, chap. 22; 1693, chap. 9; 1693-94, chap. 20, § 5; 1698, chap. 10, § 4; 1711-12, chap. 6; 1716-17, chap. 13; 1727-28, chap. 5; 1741-42, chap. 7]	Jan. 31,	-	- -
419	**Chapter 21.** An act for reviving and continuing sundry laws that are expired and near expiring [1740-41, chap. 19; 1741-42, chap. 1; 1742-43, chap. 18; 1746-47, chap. 28; 1747-48, chap. 3; 1748-49, chap. 14; 1748-49, chap. 18; 1749-50, chap. 7; 1749-50, chap. 12; 1749-50, chap. 13; 1754-55, chap. 26; 1757-58, chap. 10; 1757-58, chap. 11; 1757-58, chap. 20]	Jan. 31,	-	Jan. 30, 1771
420	**Chapter 22.** An act for raising a further sum of money, by a lottery or lotteries, to compleat the repairing the causeway on the westerly side of Sudbury River, and for building a bridge over said river [1759-60, chap. 10] . .	Jan. 31,	-	- -
421	**Chapter 23.** An act for supplying the treasury with the sum of thirty thousand pounds .	Jan. 31,	-	- -
422	**Chapter 24.** An act for enquiring into the rateable estates of this province [1756-57, chap. 40]	Jan. 31,	-	June 1, 1761.
	FOURTH SESSION.			
424	**Chapter 25.** An act in addition to an act made and passed in the thirty-third year of his late majesty King George the Second, intit[*u*]led "An act for erecting and establishing two new counties in the easterly part of the county of York" [1760-61, chap. 7, § 7]	Apr. 14,	-	- -
425	**Chapter 26.** An act for raising a sum of money by lottery, for repairing Fan[eu][*ue*]il Hall in Boston	Apr. 18,	-	- -
427	**Chapter 27.** An act to supply the treasury with the sum of forty thousand and five hundred pounds	Apr. 18,	-	- -
427	**Chapter 28.** An act in addition to an act made and passed this present year, intituled "An act to prevent damage being done on the meadows and beaches lying in and adjoining to the north side of the town of Harwich, between Skeket harbour, on the east, and Quivet harbour, on the west" [1760-61, chap. 19]	Apr. 18,	-	May 1, 1764.
428	**Chapter 29.** An act in addition to, and for amending some clauses in, an act made and passed in the last session of this court, intituled "An act for repealing the several laws in force, which relate to the observation of the Lord's Day, and for making more effectual provision for the observation thereof" [1760-61, chap. 20, § 13] .	Apr. 18,	-	- -
429	**Chapter 30.** An act in addition to an act made and passed in the last session of this court, intit[*u*]led "An act for enquiring into the rateable estates of this province" [1760-61, chap. 24] . .	Apr. 18,	-	May 20, 1761.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1760-61.—FOURTH SESSION—*Con.*	**1761.**		
430	Chapter 31. An act to prevent the destruction of sheep, by hunting with unruly dogs, in the towns of Plymouth and Sandwich	Apr. 21,	–	June 15, 1762.
431	Chapter 32. An act in addition to an act made and passed in the thirty-third year of the reign of his majesty King George the Second, intituled "An act for the better regulating that part of the town of Boston which was laid waste by the late fire, and for preventing fire in that town for the future" [1760-61, chap. 9, § 1]	Apr. 21,	–	– –
432	Chapter 33. An act for dividing the county of Hampshire, and for erecting and establishing a new county in the westerly part of the county of Hampshire, to be called the county of Berkshire, and for establishing courts of justice within the same . . .	Apr. 21,	–	– –
434	Chapter 34. An act for erecting the new plantation called Pontoosuck, in the county of Hampshire, into a town by the name of Pittsfield	Apr. 21,	–	– –
435	Chapter 35. An act for preventing the stealing and clandestinely conveying sheep away from the island of Martha's Vineyard in Dukes County . . .	Apr. 21,	–	June 10, 1762.
	1761-62.—FIRST SESSION.			
457	Chapter 1. An act for granting the sum of thirteen hundred pounds, for the support of his majesty's governor . .	June 5,	–	– –
457	Chapter 2. An act to prevent soldiers and seamen in his majesty's service from being arrested for debt [1759-60, chap. 18],	June 6,	–	Jan. 11, 1763.
458	Chapter 3. An act to impower the province treasurer to draw bills of exchange upon the agent of the province, in Great Britain	June 17,	–	– –
460	Chapter 4. An act for supplying the treasury with the sum of forty-nine thousand one hundred pounds, to be thence issued for discharging the publick debts, and drawing the same into the treasury again	June 22,	–	– –
462	Chapter 5. An act establishing a watch for the safety and better securing the good order of the town of Boston [1699-1700, chap. 10; 1712-13, chap. 4]. .	June 30,	–	July 1, 1764.
463	Chapter 6. An act to invest the committee of the second precinct in Rehoboth with corporate powers for certain purposes therein mentioned . . .	June 30,	–	– –
464	Chapter 7. An act for incorporating the plantation called Cold Spring, into a town by the name of Belcher's Town .	June 30,	–	– –
464	Chapter 8. An act for erecting the plantation called Roadtown, in the county of Hampshire, into a town by the name of Shutesbury, and causing the delinquent set[t]lers to fulfil the conditions of their grant	June 30,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1761-62.—FIRST SESSION—*Con.*	1761.		
465	**Chapter 9.** An act for erecting the north parish, or precinct, in the town of Sheffield, into a separate town by [by] the name of Great Barrington [1733-34, chap. 1; 1760-61, chap. 33, §§ 1, 8, and 2]	June 30,	–	– –
466	**Chapter 10.** An act for incorporating the plantation called Colrain, into a town by the name of Colrain	June 30,	–	– –
467	**Chapter 11.** An act to prevent the unnecessary destruction of the fish called alewives, in the town of Hingham, in the county of Suffolk, and to enable the said town to regulate and order the taking and disposing the same [1735-36, chap. 21; 1741-42, chap. 16; 1754-55, chap. 31; 1757-58, chap. 37; 1726-27, chap. 3]	July 3,	–	Nov. 3, 1764
468	**Chapter 12.** An act for the better regulating districts within this province . . .	July 3,	–	– –
468	**Chapter 13.** An act making special provision for the settlement and support of the gospel ministry in the town of Sudbury	July 9,	–	– –
469	**Chapter 14.** An act further impowering the courts of general sessions of the peace, in this province, to grant licences in certain cases, and thereby to prevent unnecessary petitions to the general court [1755-56, chap. 39; 1759-60, chap. 13]	July 9,	–	July 10, 1765.
469	**Chapter 15.** An act to supply the treasury with the sum of thirty-nine thousand pounds,	July 11,	–	– –
471	**Chapter 16.** An act providing for the levying and collecting of taxes in plantations that are not incorporated . . .	July 11,	–	Aug. 1, 1768.
472	**Chapter 17.** An act for apportioning and assessing the sum of seventy-five thousand pounds; also for apportioning and assessing a tax of two thousand two hundred and thirty-five pounds two shillings, paid the representatives for their service, travel and attendance in the general court, in the year one thousand seven hundred and sixty; also for assessing the town of Rutland for the sum of thirty-one pounds one shilling and sevenpence, being so much ordered by the general court, in their sessions in January last, to be added to the tax of the town of Rutland, the present year, over and above their proportion of what is laid on said year [1758-59, chap. 4, § 7; 1758-59, chap. 28, § 1; 1760-61, chap. 6, § 2; 1761-62, chap. 3] . .	July 11,	–	Mar. 31, 1762
	SECOND SESSION.			
486	**Chapter 18.** An act for erecting Ware-River Parish, so called, in the county of Hampshire, into a district by the name of Ware	Nov. 25,	–	– –
487	**Chapter 19.** An act for exchanging of meadow and meadowish ground belonging to the first precinct in Marshfield, in the county of Plymouth, with Nathan-[i][a]el Ray Thomas, of said Marshfield, gentleman, for salt meadow .	Nov. 28,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1761-62.—SECOND SESSION—*Con.*	**1761.**		
488	Chapter 20. An act to annul[l] a division heretofore made by the proprietors of common and undivided lands in a place, called Phillipstown, in the county of York	Nov. 28,	–	– –
488	Chapter 21. An act in addition to an act, made and pass[e]'d in the tenth year of Queen Anne, intit[*a*]led "An act for suppressing robberies and assaults" [1711-12, chap. 2, § 2]	Nov. 28,	–	– –
	THIRD SESSION.			
490	Chapter 22. An act in addition to an act, intituled "An act for supplying the treasury with the sum of forty-nine thousand one hundred pounds, to be thence issued for the discharging the publick debts, and drawing the same into the treasury again," and to one other act, intituled "An act to supply the treasury with the sum of thirty-nine thousand pounds" [1761-62, chap. 4; 1761-62, chap. 15; 1749-50, chap. 19]	**1762.** Jan. 31,	–	– –
491	Chapter 23. An act to supply the treasury with the sum of twenty-five thousand pounds [1749-50, chap. 19]	Jan. 29,	–	– –
493	Chapter 24. An act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges	Jan. 30,	–	Mar. 26, 1765.
506	Chapter 25. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Jan. 30,	–	Mar. 25, 1763.
513	Chapter 26. An act to prevent damage by fire in the towns of Salem, Marblehead, and other maritime towns in the province	Jan. 30,	–	Mar. 29, 1770.
513	Chapter 27. An act for the effectual preventing the currency of the bills of credit of Connecticut, New Hampshire and Rhode Island, within this province [1756-57, chap. 34]	Jan. 30,	–	Mar. 31, 1767.
515	Chapter 28. An act in addition to an act made and passed in the twenty-third year of his late majesty George the Second, intituled "An act for ascertaining the rates at which coined silver and gold, and English halfpence and farthings, may pass within this government" [1749-50, chap. 19] . .	Feb. 8,	–	– –
516	Chapter 29. An act for the better securing the possessors of the province treasurer's notes, by enabling the province treasurer to give new receipts or obligations in lieu of such notes as are now extant [1749-50, chap. 19] . . .	Feb. 10,	–	July 31, 1762.
518	Chapter 30. An act to invest the committee of the first precinct in Rehoboth, with corporate powers for certain purposes therein mentioned	Feb. 11,	–	– –
519	Chapter 31. An act to prevent damage being done on the meadows and beaches lying in and adjoining on the north-east part of the town of Yarmouth, between Quiv[e][*i*]t harbour, on the east, and Sesuit harbour, on the west [1749-50, chap. 15]	Feb. 11,	–	Mar. 1, 1772.

List of the Public Acts—Continued.

Page.	TITLES.		Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1761-62.—THIRD SESSION—*Con.*		1762.		
520	Chapter 32.	An act to incorporate certain persons by the name of the Society for Propagating Christian Knowledge among the Indians of North America . .	Feb. 11,	1763. May 20,	- -
523	Chapter 33.	An act for altering the place for holding the courts of general sessions of the peace and inferio[u]r court of common pleas heretofore by law held at Edgartown [in] Dukes County in October annually	Feb. 18,	-	- -
524	Chapter 34.	An act for altering the time for holding the court of general sessions of the peace and inferio[u]r court of common pleas in the county of Hampshire, from the third to the first Tuesday in May	Feb. 23,	-	- -
524	Chapter 35.	An act, in addition to the several acts or laws of this province relating to common fields, to extend only to the county of Hampshire [1692-93, chap. 28; 1698, chap. 12; 1712-13, chap. 9; 1718-19, chap. 3; 1727-28, chap. 13; 1753-54, chap. 29]	Feb. 23,	-	July 1, 1765.
525	Chapter 36.	An act for holding the court of general sessions of the peace and the inferio[u]r court of common pleas, at Biddeford, in the county of York .	Feb. 23,	-	- -
526	Chapter 37.	An act in addition to an act for altering the time for holding the courts of general sessions of the peace and inferio[u]r court of common pleas, within the county of Barnstable [1753-54, chap. 33]	Feb. 23,	-	- -
526	Chapter 38.	An act for erecting the society and parish of Natick into a separate district by the name of Natick [1761-62, chap. 12]	Feb. 23,	-	- .
527	Chapter 39.	An act for granting several bounties upon wheat and flour	Mar. 6,	-	July 1, 1768.
528	Chapter 40.	An act to supply the treasury with twenty thousand pounds . . .	Mar. 6,	-	- -
529	Chapter 41.	An act for reviving and continuing sundry laws that are expired, or near expiring [1740-41, chap. 15; 1741-42, chap. 4; 1742-43, chap. 4; 1742-43, chap. 11; 1742-43, chap. 25; 1742-43, chap. 28; 1743-44, chap. 6; 1743-44, chap. 14; 1743-44, chap. 21; 1744-45, chap. 27; 1746-47, chap. 27; 1747-48, chap. 11; 1750-51, chap. 21; 1750-51, chap. 22; 1753-54, chap. 14; 1756-57, chap. 28; 1758-59, chap. 6; 1758-59, chap. 33; 1758-59, chap 16; 1759-60, chap. 15; 1760-61, chap. 35] . .	Mar. 6,	-	July 1, 1767
530	Chapter 42.	An act for erecting the new plantation called Falltown, in the county of Hampshire, into a town by the name of Bernardston	Mar. 6,	-	- -
531	Chapter 43.	An act for erecting the new plantation called Number Three, in the county of Berkshire, into a town by the name of Sandisfield	Mar. 6,	-	- -
532	Chapter 44.	An act to subject the unimproved lands within this province to be sold for payment of taxes assessed on them by order of the great and general court, and votes and agreements of the proprietors thereof, and to enable			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1761-62.—THIRD SESSION—*Con.*	**1762.**		
	proprietors of new plantations to levy province and county taxes laid upon them [1745-46, chap. 9] . .	Mar. 6,	-	Apr. 1, 1765.
533	Chapter 45. An act for incorporating the plantation called Narraganset[t] Number Six, in the county of Worcester, into a town by the name of Templetown,	Mar. 6,	-	- -
534	Chapter 46. An act for erecting the new plantation called Payquage, in the county of Worcester, into a town by the name of Athol	Mar. 6,	-	- -
534	Chapter 47. An act for erecting the new plantation called Number One, in the county of Berkshire, into a town by the name of Tyringham	Mar. 6,	-	- -
	FOURTH SESSION.			
536	Chapter 48. An act for impowering Jasper Mauduit, Esquire, and, in case he is prevented by sickness, death, or any other way, Richard Jackson, jun., Esq., to receive any sum or sums of money that are or may be due or payable in Great Britain, to the province of the Massachusetts Bay . .	Apr. 24,	-	- -
537	Chapter 49. An act to explain, amend, and carry into execution, an act made in the first year of the reign of his present majesty, intituled "An act for raising a sum of money, by lottery, for repairing Fanueil Hall in Boston" [1760-61, chap. 26]	Apr. 24,	-	- -
538	Chapter 50. An act for supplying the treasury with the sum of seventeen thousand two hundred and fifty-one pounds, by borrowing the same [1749-50, chap. 19]	Apr. 24,	-	- -
540	Chapter 51. An act for altering the times of holding the general sessions of the peace and the inferio[u]r court[s] of common pleas for the counties of Cumberland and Lincoln	Apr. 24,	-	- -
	1762-63.—FIRST SESSION.			
571	Chapter 1. An act for granting the sum of thirteen hundred pounds, for the support of his majesty's governor . . .	May 31,	-	- -
571	Chapter 2. An act for erecting the west precinct of Rutland, known by the name of the West Wing of Rutland, into a district by the name of Oakham	June 7,	-	- -
572	Chapter 3. An act for incorporating the east side of Saco River, in the town of Biddeford, into a sep[e][a]rate district by the name of Pepperrellborough .	June 9,	-	-
573	Chapter 4. An act for incorporating the new plantation called New Hingham, into a town by the name of Chesterfield .	June 11,	-	- -
573	Chapter 5. An act for rend[e]ring more effectual the laws already made relating to shingles, and for regulating the assize of staves, hoops and clapboards [1750-51, chap. 10]	June 11,	-	Mar. 25, 1766.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1762-63.—FIRST SESSION—*Con.*	1762.		
576	Chapter 6. An act for lengthening out the time for the payment of interest on the treasurer's notes [1761-62, chap. 29, § 6] .	June 11,	-	Oct. 31, 1763.
577	Chapter 7. An act for setting up a fair in the town of Hardwicke in the county of Worcester	June 12,	-	July 1, 1769.
577	Chapter 8. An act for incorporating the plantation called New Marblehead, in the county of Cumberland, into a town by the name of Windham . . .	June 12,	-	- -
578	Chapter 9. An act for supplying the treasury with the sum of thirty-five thousand and seven hundred pounds, to be thence issued for discharging the public debts, and drawing the same into the treasury again [1749-50, chap. 19],	June 12,	-	- -
581	Chapter 10. An act to impower the province treasurer to draw bills of exchange upon the agent of the province in Great Britain	June 12,	-	- -
582	Chapter 11. An act to revive and carry into execution an act, made in the thirty-third year of the reign of his late majesty George the Second, intit[*u*]led "An act for raising a sum of money by lottery, for drawing in such of the notes or bills of the late Land-Bank or Manufactory Company, as are yet outstanding" [1759-60, chap. 25] .	June 12,	-	Dec. 1, 1762.
583	Chapter 12. An act for apportioning and assessing the sum of seventy-five thousand pounds; also for apportioning and assessing a tax of three thousand two hundred and sixty-four pounds fifteen shillings, paid the representatives for their travel, service and attendance in the general court in the year one thousand seven hundred and sixty-one; also for apportioning and assessing a tax of one hundred and fifty-one pounds thirteen shillings, for fines laid upon towns that have not sent any persons to represent them in the general court the present year; and also for assessing the town of Princetown, for the sum of thirty-one pounds one shilling and sevenpence being so much ordered by the general court to be added to their tax the present year, over and above their proportion of what is laid on said town: all which sums amount to seventy-eight thousand four hundred and forty-seven pounds nine shillings and sevenpence [1759-60, chap. 8, § 4; 1761-62, chap. 15, § 3; 1761-62, chap. 4, § 3] .	June 12,	-	Mar. 31, 1763.
599	Chapter 13. An act in addition to the several acts made to prevent damage by fire in the town of Boston [1692-93, chap. 13; 1711-12, chap. 5; 1748-49, chap. 14; 1759-60, chap. 30; 1760-61, chaps. 9 and 32]	June 15,	-	Jan. 30, 1771.
	SECOND SESSION.			
600	Chapter 14. An act for incorporating a certain tract of land in the county of Lincoln, into a township by the name of Bowdoinham	Sept. 18,	-	- -

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1762-63.—SECOND SESSION—*Con.*	**1762.**		
601	Chapter 15. An act for erecting the south part of Brimfield, in the county of Hampshire, into a district by the name of South Brimfield	Sept. 18,	–	– –
	THIRD SESSION.	**1763.**		
602	Chapter 16. An act to supply the treasury with the sum of forty-five thousand pounds [1749-50, chap. 19; 1761-62, chap. 23],	Jan. 21,	–	– –
604	Chapter 17. An act for erecting a new plantation in the county of Hampshire, called Roxbury-Canada, together with sundry farms lying therein, also a piece of land belonging to this province, lying on the northerly side thereof, into a town by the name of Warwick .	Feb. 17,	–	– –
605	Chapter 18. An act for the relief of poor prisoners for debt [1759-60, chap. 12; 1692-93, chap. 18, § 9]	Feb. 17,	–	Apr. 2, 1770.
606	Chapter 19. An act declaring and regulating the standard of wheat imported into this province, and for preventing abuses by millers	Feb. 17,	–	July 15, 1769.
608	Chapter 20. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Feb. 17,	–	Mar. 25, 1764.
615	Chapter 21. An act for the continuation of a lottery—granted and allowed by an act, intituled "An act in addition to an act, intituled 'An act for raising the sum of twelve hundred pounds, by lottery, for building and maintaining a bridge over the river Parker, in the town of Newbury, at a place called Old-town Ferry'"—for raising a further sum for that purpose [1759-60, chap. 35]	Feb. 24,	–	– –
616	Chapter 22. An act [e][f]mpowering the assessors of the town of Chilmark, for the time being, to apportion the province, county and town taxes, not already made, on the owners of such stock (liable by law to be taxed) that have been or shall be kept in said town, or on the islands thereto belonging [1762-63, chap. 12]	Feb. 24,	–	– –
617	Chapter 23. An act for reviving and continuing sundry laws that are expired, and near expiring [1736-37, chap. 14; 1737-38, chap. 8; 1737-38, chap. 9; 1740-41, chap. 23; 1741-42, chap. 5; 1742-43, chap. 17; 1745-46, chap. 16; 1746-47, chap. 26; 1747-48, chap. 7; 1748-49, chap. 9; 1748-49, chap. 12; 1749-50, chap. 6; 1749-50, chap. 27; 1750-51, chap. 5; 1750-51, chap. 17; 1752-53, chap. 13; 1752-53, chap. 18; 1752-53, chap. 20; 1753-54, chap. 9; 1753-54, chap. 29; 1753-54, chap. 44; 1760-61, chap. 13].	Feb. 24,	–	July 1, 1770.
618	Chapter 24. An act for the more safe keeping the records of the several courts of justice in this province	Feb. 24,	–	– –
619	Chapter 25. An act confirming to sundry persons sundry lands by them purchased of the Indians, at Christiantown, so called, on the island of Martha's Vineyard [1701-2, chap. 11, § 1] . .	Feb. 24,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1762-63.—THIRD SESSION—*Con.*	1763.		
620	Chapter 26. An act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters [1757-58, chap. 20] . . .	Feb. 24,	-	July 1, 1770.
620	Chapter 27. An act in addition to the act made and passed in the eighth year of the reign of her late majesty Queen Anne, intit[*u*]led "An act for regulating of drains or common shores" [1709-10, chap. 5, § 3]	Feb. 24,	-	Apr. 2, 1770.
622	Chapter 28. An act in further addition to an act for the orderly consummating of marriages, made and passed in the fourth year of the reign of their late majest[y][*ie*]s King William and Queen Mary [1692-93, chap. 25] . .	Feb. 24,	-	- -
622	Chapter 29. An act in addition to an act intituled "An act against adultery and polygamy" [1694-95, chap. 5, § 1] . .	Feb. 24,	-	- -
623	Chapter 30. An act to supply the treasury with the sum of thirty-eight thousand six hundred and fifty pounds [1749-50, chap. 19; 1761-62, chap. 23] . .	Feb. 25,	-	- -
	1763-64.—FIRST SESSION.			
639	Chapter 1. An act for granting the sum of thirteen hundred pounds, for the support of his majest[ie][*y'*]s governor . .	May 30,	-	- -
639	Chapter 2. An act to impower David Sewall, of York, gentleman, to collect the excise due in the county of York, on spirituous liquors, in the year 1762 .	June 16,	-	- -
639	Chapter 3. An act for incorporating the Indians and molattoes, inhabitants of Mashpee, with their lands there, into a district, with certain priviledges; and for their better regulation [1693-94, chap. 17, § 1]	June 14,	-	June 15, 1766
641	Chapter 4. An act to enable the court of general sessions of the peace, for the county of Barnstable, to grant licences to innholders and retailers in that county, on the last Tuesday of June, annually [1698, chap. 10, § 11] . .	June 14,	-	- -
642	Chapter 5. An act for altering a clause in an act made in the thirtieth year of his late majesty King George the Second, intit[*u*]led "An act to prevent damages being done unto Billingsgate Bay in the town of Eastham, by cattle and horses feeding on the beach and islands adjoining thereto" [1756-57, chap. 31]	June 14,	-	July 1, 1767
642	Chapter 6. An act to enable justices out of court to grant licence, in certain cases, to retail strong liquors and to keep houses of publick entertainment; and thereby to prevent unnecessary petitions to the general court [1755-56, chap. 39]	June 14,	-	- -
643	Chapter 7. An act for the better regulating of the service of executions, more especially in the remote counties of the province	June 15,	-	- -

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1763-64.—FIRST SESSION—*Con.*	1763.		
643	Chapter 8. An act for continuing certain clauses in an act passed in the thirtieth year of his late majesty's reign, intituled "An act for providing and maintaining two armed vessels to guard the coast, and for supplying the treasury with seven thousand pounds for that end" [1756-57, chap. 12] . . .	June 15,	–	Nov. 1, 1765.
644	Chapter 9. An act for incorporating the fourth parish of Springfield, in the county of Hampshire, into a separate town by the name of Wilbraham . . .	June 15,	–	– –
645	Chapter 10. An act for apportioning and assessing a tax of fifty thousand pounds; also for apportioning and assessing a tax of eighteen hundred and twenty-eight pounds two shillings, paid the representatives for their travel, service and attendance in the general court, in the year one thousand seven hundred and sixty-two; also for apportioning and assessing a tax of seventy-two pounds, for fines laid upon towns that have not sent any persons to represent them in the general court the present year; also for assessing sundry towns for the sum of ninety-eight pounds four shillings and sixpence, being so much ordered by the general court to be added to their tax the present year, over and above their proportion of what is laid on said towns; also for assessing sundry towns in the county of Hampshire the sum of seventy-three pounds fifteen shillings, taken off from Roxbury-Canada, which sum was laid on them in the tax acts for the two last years: all which sums amount to fifty-two thousand and seventy-two pounds one shilling and sixpence [1759-60, chap. 17, § 2; 1759-60, chap. 40, § 2; 1760-61, chap. 8, § 4; 1762-63, chap. 9, § 4]	June 15,	–	Mar. 31, 1764.
661	Chapter 11. An act in addition to the acts already made for the more speedy extinguishment of fire, and preserving goods endangered by it [1744-45, chap. 30, §§ 1, 2; 1752-53, chap. 2] .	June 15,	–	– –
661	Chapter 12. An act for recording such papers, proper to be recorded, that have been exhibited to, and received by, the superior court of judicature, court of assize and general goal delivery, or by the several judges of probate of wills, and granting letters of administration[*s*], or by the respective courts of general sessions of the peace, and inferior courts of common pleas; and for recording all judgments or decrees of said court or courts, where the clerk or clerks, register or registers, of said court or courts, are deceased, leaving the same not recorded	June 15,	–	– –
662	Chapter 13. An act to [e][*i*]mpower the province treasurer to draw bills of exchange upon the agent of the province in Great Britain	June 15,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1763-64.—FIRST SESSION—*Con.*	1763.		
664	Chapter 14. An act to enable the proprietors and inhabitants of the town of Tyringham, in the county of Berkshire, to raise and collect monies for defreying past and future charges, upon and from the proprietors of lands lying in the same town	June 15,	–	– –
664	Chapter 15. An act to incorporate the north precinct in Eastham into a district by the name of Wellfleet . . .	June 16,	–	– –
665	Chapter 16. An act for supplying the treasury with the sum of thirty-six thousand six hundred and thirty-five pounds, to be thence issued for discharging the public debts, and drawing the same into the treasury again [1749-50, chap. 19; 1761-62, chap. 23]	June 16,	–	– –
	SECOND SESSION.	1764.		
668	Chapter 17. An act to prevent, if possible, the further spreading of the small-pox in the town of Boston [1742-43, chap. 17] .	Jan. 20,	–	Mar. 20, 1764.
668	Chapter 18. An act to enable the collectors of taxes in the town of Boston to sue for and recover the rates and taxes given them to collect, in certain cases .	Jan. 28,	–	Feb. 1, 1766.
669	Chapter 19. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Jan. 27,	–	Mar. 25, 1765.
676	Chapter 20. An act for erecting part of the town of Newbury into a new town by the name of Newburyport . . .	Jan. 28,	–	– –
678	Chapter 21. An act for holding the superior court of judicature, court of assize and general goal delivery, at Cambridge, in the county of Middlesex, on the third Tuesday of April, this present year, instead of Charlestown, in the said county, on the last Tuesday of January in the same year [1742-43, chap. 32. § 2]	Jan. 28,	–	– –
679	Chapter 22. An act in further addition to the acts or laws of this province, relating to common fields, to extend only to the county of Hampshire [1692-93, chap. 28, § 3; 1698, chap. 12, § 5; 1712-13, chap 9; 1753-54, chap. 1] . . .	Jan. 31,	–	Feb. 1, 1769
680	Chapter 23. An act for supply of the treasury with fourteen thousand pounds, and applying the same for the discharge of the public debts	Jan. 31,	–	– –
680	Chapter 24. An act to enable the proprietors of the plantation called Yokum Town and Mount Ephraim, in the county of Berkshire, to grant taxes on their land, and bring forward the settlement of said plantation . . .	Jan. 31,	–	– –
681	Chapter 25. An act for reviving and continuing sundry laws that are expired and near expiring [1758-59, chap. 18; 1758-59, chap. 37; 1760-61, chap. 28; 1761-62, chap. 5]	Jan. 31,	–	July 1, 1770
682	Chapter 26. An act for erecting a town in the county of Lincoln, by the name of Topsham	Jan. 31,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1763-64.—SECOND SESSION—*Con.*	1764.		
682	Chapter 27. An act for reviving two laws that are expired [1754-55, chap. 31; 1757-58, chap. 37]	Feb. 2,	–	Feb. 1, 1765.
683	Chapter 28. An act for the preservation and increase of moose and deer within this province [1693-94, chap. 19; 1698, chap. 21; 1717-18, chap. 12; 1739-40, chap. 3; 1744-45, chap. 14; 1751-52, chap. 7; 1754-55, chap. 7]	Feb. 3,	–	–
685	Chapter 29. An act for continuing all trials by jury, civil and criminal, from the superior court of judicature, court of assize and general goal delivery, for the county of Suffolk, to be held the third Tuesday of February, the present year, to the superior court, &c., for the said county, to be held the third Tuesday in August, next. .	Feb. 3,	–	– –
685	Chapter 30. An act for setting off the inhabitants, as also the estates, of the westerly part of Lunenburg, into a separate town, by the name of Fitchburg .	Feb. 3,	–	– –
686	Chapter 31. An act in addition to, and for rendering more effectual, the several acts of this province for regulating the buildings in the town of Boston, and preventing fire in the said town [1692-93, chap. 13, § 2; 1699-1700, chap. 24; 1711-12, chap. 5; 1748-49, chap. 14; 1752-53, chaps. 2 and 17; 1759-60, chap. 30; 1760-61, chaps. 9 and 32; 1762-63, chap. 13]	Feb. 3,	–	– –
688	Chapter 32. An act for continuing and amending an act made in the first year of his present majesty, intitled "An act for allowing necessary supplies to the eastern Indians, and for regulating the trade with them, and preventing abuses therein" [1760-61, chap. 17] .	Feb. 4,	–	May 1, 1765.
	1764-65.—FIRST SESSION.			
705	Chapter 1. An act for granting the sum of thirteen hundred pounds, for the support of his majesty's governor	June 1,	–	– –
705	Chapter 2. An act in addition to, and explanation of, the several acts of this province, providing for the support and maintenance of the poor [1692-93, chap. 28; 1742-43, chap. 18]	June 12,	–	– –
706	Chapter 3. An act for apportioning and assessing a tax of fifty thousand pounds; also, for apportioning and assessing a tax of eighteen hundred and forty-nine pounds two shillings and sixpence, paid the representatives for their travel, service and attendance in the general court in the year one thousand seven hundred and sixty-three; also, for assessing the towns of Sunderland and Montague the sum of twenty-six pounds twelve shillings, being so much laid upon New Salem, for their part of the charge of a representative sent from Sunderland, after they were discharged from paying any sum for that purpose, which			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1764-65.—FIRST SESSION—*Con.*	1764.		
	sum is ordered by the general court to be added to Sunderland and Montague tax the present year; also, to assess the town of Lexington the sum of fifty pounds sixteen shillings and one penny, transferred to said town from the town of Lincoln, being so much which the town of Lincoln has paid, more than their just proportion, and which should have been laid upon the town of Lexington; also, to assess the town of Belchertown the sum of six pounds two shillings and ninepence, being so much that the town of Greenwich was taxed, through mistake, more than their proportion, and which should have been laid upon Belchertown; all which taxes are to be over and above their proportion of what is laid upon said towns: all which sums amount to fifty-one thousand eight hundred and eighty-one pounds seventeen shillings and threepence [1760-61, chap. 8, § 4; 1761-62, chap. 23, § 4; 1761-62, chap. 50, § 4; 1763-64, chap. 16, § 4]	June 14,	–	Mar. 31, 1768.
719	Chapter 4. An act to impower the province treasurer to draw bills of exchange upon the agent of the province, in Great Britain	June 14,	–	– –
721	Chapter 5. An act for erecting the plantation called Ipswich-Canada, into a town by the name of Winchendon . .	June 14,	–	– –
721	Chapter 6. An act in addition to the laws of this province relating to ways . . .	June 14,	–	– –
722	Chapter 7. An act to impower the proprietors of the meeting-house in the town of Newburyport, where the Reverend Mr. Jonathan Parsons officiates, to raise money to defrey ministerial and other necessary charges [1751-52, chap. 19; 1755-56, chap. 5] . . .	June 14,	–	June 14, 1767.
723	Chapter 8. An act for enabling the proprietors of the lands in the town of Barnardston to raise monies to pay the debts due from them [1761-62, chap. 44] .	June 14,	–	– –
724	Chapter 9. An act for preventing nuisances and incumbrances on Dock Square, in the town of Boston	June 14,	–	Aug. 1, 1766.
725	Chapter 10. An act in addition to the act intituled "An act to prevent the unnecessary destruction of alewives, in the town of Middleborough" [1749-50, chap. 12] .	June 14,	–	Jan. 30, 1771.
726	Chapter 11. An act for supplying the treasury with the sum of one hundred and thirty-eight thousand pounds, to be thence issued for discharging the publick debts, and drawing the same into the treasury again [1749-50, chap. 19; 1761-62, chap. 23]	June 15,	–	– –
728	Chapter 12. An act in addition to an act, intitled "An act providing in case of sickness" [1701-02, chap. 9] . . .	June 15,	–	June 15, 1767
	SECOND SESSION.			
730	Chapter 13 An act for erecting the plantation called Gorhamtown into a town by the name of Gorham	Oct. 30,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1764-65.—SECOND SESSION—*Con.*	**1764.**		
731	Chapter 14. An act for further continuing an act, intitled "An act for the securing the growth and increase of a certain parcel of wood and timber in the townships of Ipswich and Wenham, in the county of Essex" [1754-55, chap. 21]	Nov. 2,	–	Jan. 13, 1775.
731	Chapter 15. [*An**] act for erecting a town in the county of Lincoln, by the name of Boothbay	Nov. 3,	–	– –
	THIRD SESSION.	**1765.**		
733	Chapter 16. An act for altering the time for holding the superior court of judicature, court of assize and general goal delivery at Charlestown, in the county of Middlesex, this present year. .	Jan. 12,	–	Apr. –, 1765.
733	Chapter 17. An act for determining the times for holding the superior courts of judicature, court of assize and general goal delivery in the several counties within the province	Feb. 12,	–	– –
734	Chapter 18. An act for incorporating the southerly part of Rutland and the Northerly part of Leicester, in the county of [of] Worcester, into a district by the name of Paxton	Feb. 12,	–	– –
736	Chapter 19. An act in addition to an act intitled "An act for enabling the proprietors of the lands in the town of Bernardston to raise monies to pay the debts due from them" [1764-65, chap. 8; 1761-62, chap. 16]	Feb. 14,	–	– –
737	Chapter 20. An act determining at what times and places the several inferior courts of common pleas and courts of general sessions of the peace shall be held, within and for the several counties of the province, for the future . .	Feb. 19,	–	– –
738	Chapter 21. An act for erecting a town in the county of Worcester, by the name of Royalston	Feb. 19,	–	– –
739	Chapter 22. An act for incorporating a new plantation in the county of Worcester, called and known by the [*name**] of Dorchester-Canada, into a town by the name of Ashburnham . .	Feb. 22,	–	– –
740	Chapter 23. An act for rebuilding the great bridge over the great river, in the town of Westfield in the county of Hampshire, and maintaining the same .	Feb. 27,	–	–
741	Chapter 24. An act to prevent the destruction of salmon and other fish in Merrimack River, within this province . .	Feb. 28,	–	Feb. 28, 1768.
743	Chapter 25. An act to prevent the destruction of oysters in the several bays and rivers hereafter mentioned, within this province	Feb. 28,	–	Mar. 25, 1768.
743	Chapter 26. An act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned [1759-60, chap. 26]	Mar. 5,	–	Mar. 5, 1768.

* Parchment mutilated.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1764-65.—THIRD SESSION—*Con.*	1765.		
751	**Chapter 27.** An act in addition to, and in explanation of, two acts made and passed in the present year of his majesty's reign, the one, intitled "An act for determining the times for holding the superior court of judicature, court of assize and general goal delivery in the several counties within this province;" the other, intitled "An act determining at what times and places the several inferior courts of common pleas and courts of general sessions of the peace shall be held within and for the several counties of the province, for the future" [1764-65, chap. 17, § 2; 1764-65, chap. 20, § 2],	Mar. 5,	–	– –
752	**Chapter 28.** An act to carry into execution an order of the general court, for numbering the people within this province .	Mar. 5,	–	May 25, 1765.
753	**Chapter 29.** An act for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, lemmons and oranges	Mar. 7,	–	Mar. 26, 1766.
763	**Chapter 30.** An act for allowing necessary supplies to the Eastern Indians, and for regulating trade with them and preventing abuses therein [1763-64, chap. 32],	Mar. 7,	–	June 25, 1766.
766	**Chapter 31.** An act for reviving and continuing sundry laws that are expired or near expiring [1736-37, chap. 4; 1755-56, chap. 39; 1755-56, chap. 43; 1759-60, chap. 21; 1759-60, chap. 32; 1762-63, chap. 5]	Mar. 7,	–	Mar. 25, 1770.
766	**Chapter 32.** An act in addition to and in explanation of an act, intituled "An act for providing and maintaining two armed vessels to guard the coast, and for supplying the treasury with seven thousand pounds for that end" [1756-57, chap. 12, § 9]	Mar. 7,	–	Nov. 1, 1765.
767	**Chapter 33.** An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Mar. 8,	–	Mar. 25, 1766.
774	**Chapter 34.** An act for preventing the unnecessary destruction of alewives, and other fish, within this province [1709-10, chap. 7; 1727, chap. 10; 1734-35, chap. 8; 1737-38, chap. 4; 1739-40, chap. 15; 1741-42, chaps. 16 and 20; 1743-44, chap. 26; 1745-46, chap. 20; 1754-55, chap. 31; 1757-58, chap. 37; 1759-60, chap. 32; 1761-62, chap. 11; 1763-64, chap. 27; 1764-65, chaps. 10 and 24; 1741-42, chap. 16, § 5; 1726-27, chap. 3],	Mar. 8,	–	Mar. 15, 1766.
777	**Chapter 35.** An act for preventing fraud in debtors, and for securing the effects of insolvent debtors for the benefit of their creditors [1738-39, chap. 15] . .	Mar. 9,	–	Mar. 12, 1768.
	1765-66.—FIRST SESSION.			
803	**Chapter 1.** An act for granting the sum of thirteen hundred pounds, for the support of his majesty's governor . .	June 6,	–	– –
803	**Chapter 2.** An act in addition to an act, intitled "An act for preventing fraud in debtors, and for securing the effects			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1765-66.—FIRST SESSION—*Con.*	**1765.**		
	of insolvent debtors for the benefit of their creditors" [1764-65, chap. 35, § 11]	June 18,	–	Mar. 12, 1768.
805	Chapter 3. An act to establish and confirm the records of the proprietors of Athol .	June 18,	–	– –
805	Chapter 4. An act to impower the province treasurer to draw bills of exchange upon Jasper Mauduit, Esq., late agent of the province in Great Britain . .	June 21,	–	– –
806	Chapter 5. An act for regulating the grammar school in Ipswich, in the county of Essex, and for incorporating certain persons to manage and direct the same [1755-56, chap. 26] . . .	June 21,	–	Mar. 1, 1787.
808	Chapter 6. An act for incorporating the second precinct, in the town of Stoughton, in the county of Suffolk, as it now is, into a district by the name of Stoughtonham	June 21,	–	– –
809	Chapter 7. An act to erect the plantation called West Hoosuck, in the county of Berkshire, into a town by the name of Williamstown	June 21,	–	– –
810	Chapter 8. An act for erecting a town in the county of Lincoln, by the name of Bristol	June 21,	–	– –
810	Chapter 9. An act for supplying the treasury with the sum of one hundred and ninety-seven thousand pounds, to be applied for the redemption of government securities that will become due in June, one thousand seven hundred and sixty-six [1749-50, chap. 19; 1761-62, chap. 23]	June 21,	–	– –
812	Chapter 10. An act for supplying the treasury with the sum of sixteen thousand and eight hundred pounds . . .	June 21,	–	– –
813	Chapter 11. An act further to explain, amend and carry into execution, an act made in the first year of the reign of his present majesty, intitled "An act for raising a sum of money by lottery, for repairing Faneuil Hall, in Boston" [1760-61, chap. 26; 1761-62, chap. 49]	June 21,	–	– –
814	Chapter 12. An act to prevent damage being done in the woods in Plymouth, Sandwich, Barnstable, Falmouth and Wareham, by hunting with hounds and dogs	June 21,	–	Aug. 1, 1768.
815	Chapter 13. An act for erecting the new plantation called Huntstown, in the county of Hampshire, into a town by the name of Ashfield	June 21,	–	– –
815	Chapter 14. An act for erecting the plantation called New Framingham, in the county of Berkshire, into a town by the name of Lanesborough	June 21,	–	– –
816	Chapter 15. An act for erecting the new plantation called Charlemont, in the county of Hampshire, into a town by the name of Charlemont	June 21,	–	– –
817	Chapter 16. An act for incorporating into a town the lands, in the county of Berkshire, called Yokun and Mount Ephraim, by the name of Richmont [1763-64, chap. 24]	June 21,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1765-66.—FIRST SESSION—*Con.*	1765.		
817	**Chapter 17.** An act for erecting the new plantation called Number Four, in the county of Berkshire, into a town by the name of Becket	June 21,	-	- -
818	**Chapter 18.** An act for apportioning and assessing a tax of fifty thousand pounds; and also for apportioning and assessing a tax of two thousand four hundred and twelve pounds nineteen shillings and sixpence, paid the representatives for their travel, service and attendance in the general court, in the year one thousand seven hundred and sixty-four; also for apportioning and assessing a tax of one hundred and fifty-eight pounds three shillings, for fines laid upon towns that have not sent any persons to represent them in the general court the present year; and also for assessing the town of Hanover the sum of sixteen pounds, paid out of the province treasury to Sylvanus Wing; and also for assessing the sum of ten pounds three shillings and fivepence on the town of Springfield; and the sum of two pounds one shilling and eightpence on Wilbraham; and the sum of twelve pounds five shillings and one penny on Northampton; and the sum of twelve pounds and elevenpence on Westfield; and the sum of twelve pounds five shillings and one penny on Hatfield; and the sum of eight pounds three shillings and twopence on Brimfield; and the sum of three pounds seventeen shillings and ninepence on South Brimfield; and the sum of twelve pounds and elevenpence on Deerfield; and the sum of six pounds and sevenpence on Greenfield; and the sum of two pounds nineteen shillings and sixpence on Monson,—making the sum of eighty-one pounds eighteen shillings and one penny, being the tax remitted to Bernardston for two years last past, and the tax remitted to Huntstown for three years last past, and ordered to be added to the present year's tax of the several towns aforesaid, and in the manner aforesaid; which taxes are to be over and above their proportion of what was laid on the said towns: which sums amount to fifty-two thousand six hundred and sixty-nine pounds and sevenpence [1762-63, chap. 16, § 4; 1762-63, chap. 30, § 4; 1764-65, chap. 11, § 6]	June 21,	-	Mar. 30, 1766.
832	**Chapter 19.** An act for the preservation and increase of moose and deer on Tarpolin-Cove Island and Nennemesset Island, lying and being in the county of Dukes County	June 25,	-	July 20, 1770.
834	**Chapter 20.** An act for the preservation of the beach and harbour in the town of Plymouth	June 25,	-	July 10, 1768.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1765-66.—FIRST SESSION—*Con.*	**1765.**		
834	Chapter 21. An act for raising by lottery the sum of three thousand two hundred pounds, for building another hall for the students of Harvard College to dwell in	June 25,	-	- -
835	Chapter 22. An act to enable the proprietors of the town of Windham, in the county of Cumberland, to exchange the ministerial home-lot, so called, for other lands in the said town . . .	June 25,	-	- -
	SECOND SESSION.			
837	Chapter 23. An act for incorporating a new plantation in the county of Hampshire, called and known by the [*name of**] Murrayfield, into a town by the name of Murrayfield	Oct. 31,	-	- -
837	Chapter 24. [*A**]n act for reviving and continuing an act made in the fourth year of his present majesty King George the Third, intitled "An act to prevent the unnecessary destruction of alewives in the town of Middleborough" [1764-65, chap. 10]	Oct. 31,	-	Oct. 26, 1767
838	Chapter 25. An act for erecting the second parish of Falmouth, in the county of Cumberland, into a district by the name of Cape Elisabeth	Nov. 1,	-	- -
	THIRD SESSION.	**1766.**		
839	Chapter 26. An act for erecting the north precinct in the town of Westborough, in the county of [*Worcester**], into a sep[e]-[*a*]rate district by the name of Northborough	Jan. 24,	-	- -
840	Chapter 27. An act for altering the time appointed for holding the court of general sessions of the peace and inferior court of common pleas, which, by law, are now established to be held at Charlestown, in the county of Middlesex, on the first Tuesday of March [1764-65, chap. 20]	Feb. 15,	-	- -
840	Chapter 28. [*An a**]ct for granting unto his majesty an excise upon spirits distilled, and wine, and upon limes, [*lemmons**] and oranges	Feb. 21,	-	Mar. 26, 1767.
850	Chapter 29. [*An act for**] granting unto his majesty several rates and duties of impost and tunnage of shipping	Feb. 21,	-	Mar. 25, 1767.
857	Chapter 30. [*An**] act for amending of an act made in the fifth year of his present majesty's reign, intituled "An act to [*prevent the destruction o**]f salmon and other fish, in Merrimack River, within this province" [1764-65, chap. 24, § 3]	Feb. 21,	-	Feb. 28, 1767.
857	Chapter 31. An act for dividing the district of South Brimfield, in the county of Hampshire, into two separate parishes .	Feb. 21,	-	- -

* Parchment mutilated.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1765-66.—THIRD SESSION—*Con.*	1766.		
858	Chapter 32. An act for further limiting the operation of an act made in the second year of his present [*majest**]y's reign, intit[u]led "An act for granting several bounties upon wheat and flour" [1761-62, chap. 39] . . .	Feb. 21,	-	July 1, 1767.
859	Chapter 33. An act for reviving and continuing sundry laws that are expired, and near expiring [1755-56, chap. 9; 1761-62, chap. 14; 1763-64, chap. 18; 1763-64, chap. 22; 1764-65, chap. 34] . .	Feb. 21,	-	July 1, 1770.
	1766-67.—FIRST SESSION.			
879	Chapter 1. An act for granting the sum of thirteen hundred pounds for the support of his majesty's governor . . .	June 12,	-	- -
879	Chapter 2. An act in addition to an act, intitled "An act for erecting a town in the county of Lincoln by the name of Bristol" [1765-66, chap. 8] . . .	June 19,	-	- -
880	Chapter 3. An act for supplying the treasury with the sum of one hundred and fifty-seven thousand pounds, to be applied for the redemption of government securities that will become due in the year of our Lord one thousand seven hundred and sixty-seven [1749-50, chap. 19; 1761-62, chap. 23] . .	June 27,	-	- -
882	Chapter 4. An act for supplying the treasury with the sum of eighteen thousand pounds	June 27,	-	- -
883	Chapter 5. An act for repealing two acts, one, intit[u]led "An act for preventing fraud in debtors, and for securing the effects of insolvent debtors for the benefit of their creditors," the other act, intit[u]led "An act in addition to 'An act for preventing fraud in debtors, and for securing the effects of insolvent debtors for the benefit of their creditors,'" both made in the fifth year of his present majesty's reign [1764-65, chap. 35; 1765-66, chap 2]	June 27,	1767. July 24,	- -
883	Chapter 6. An act for apportioning and assessing a tax of forty thousand pounds; and also for apportioning and assessing a tax of two thousand five hundred and fifty-three pounds two shillings and sixpence, paid the representatives for their travel, service and attendance in the general court in the year one thousand seven hundred and sixty-five; also for apportioning and assessing a tax of ninety-eight pounds seven shillings, laid upon towns that have not sent any person to represent them in the general court the present year; [*a**]nd also, for assessing the town of Swanzey the sum of fifty pounds, being part of the sum of three hundred pounds lent said town in the year one thousand seven hundred and sixty-four;			

* Parchment mutilated.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1766-67.—FIRST SESSION—*Con.*	1766.		
	and also, [*for as**]sessing the town of Deerfield the sum of twenty-five pounds seventeen shillings and one penny, paid out of the public treasury to John Worthington, Esq[r]., and others, a committee to enable [*them to**] run the line between Deerfield and Hunt's Town; and also, for assessing the sum of ten pounds two shillings and sixpence on the district of New Salem, being so much paid the selectmen [*of Sun**]derland in full of any disputes between the town of Sunderland and district of New Salem, relative to representatives' pay; and also, for assessing the sum of thirty-six pounds [*ni**]neteen shillings and tenpence halfpenny on the town of Falmouth, and the sum of six pounds nine shillings and fourpence on the town of North Yarmouth, and the sum of five pounds fifteen shillings and twopence on the town of Brunswick, making in the whole the sum of forty-nine pounds four shillings and fourpence halfpenny, being a tax remitted Gorhamtown, for the year one thousand seven hundred and sixty-four, and ordered to be added to the present year's tax of the several towns aforesaid, and in manner aforesaid; which taxes are to be over and above their proportion of what was laid on said towns: which sums amount to forty-two thousand seven hundred eighty-six pounds thirteen [*sh**]illings and fivepence halfpenny [1765-66, chap. 9, § 4]	June 27,	–	Mar. 30, 1767.
899	Chapter 7. An act for reviving and continuing an act made in the fourth year of his present majesty, intitled "An act for allowing necessary supplies to the eastern Indians, and for regulating the trade with them, and preventing abuses therein" [1763-64, chap. 32]	June 28,	–	June 30, 1767.
900	Chapter 8. An act to prevent frauds by the adulteration of potash and pearlash [1754-55, chap. 26]	June 28,	–	July 20, 1767.
	SECOND SESSION.			
902	Chapter 9. An act to erect the south part of the first precinct in the town of Mendon, in the county of Worcester, into a separate precinct	Nov. 8,	–	– –
903	Chapter 10. An act for granting compensation to the sufferers, and of free and general pardon, indemnity and oblivion to the offenders in the late times . .	Dec. 6,	1767. May 13,	– –
	THIRD SESSION.	1767.		
905	Chapter 11. An act for incorporating the easterly part of the town of Richmont, in the county of Berkshire, into a district by the name of Lenox [1765-66, chap. 16]	Feb. 26,	–	– –

* Parchment mutilated.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1766-67.—THIRD SESSION—*Con.*	1767.		
906	**Chapter 12.** An act for setting off Edward Stearns of Billerica, with his lands there, from the said town, and annexing the same to the town of Bedford [1729-30, chap. 1]	Feb. 26,	–	– –
907	**Chapter 13.** An act in addition to two several acts to prevent the destruction of salmon and other fish in Merrimack River, within this province [1764-65, chap. 24, § 3; 1765-66, chap. 30, § 1] . .	Feb. 26,	–	Mar. 20, 1768.
907	**Chapter 14.** An act for discontinuing two of the courts, and for altering the time of holding one of the courts, of general sessions of the peace and inferior courts of common pleas within and for the county of Berkshire [1760-61, chap. 33]	Feb. 27,	–	– –
908	**Chapter 15.** An act for erecting the westerly part of the town of Townsend, in the county of Middlesex, the northerly part of the town of Fitchburgh, and the north-easterly part of the town of Ashburnham, in the county of Worcester, into a town by the name of Ashby, to be annexed to the county of Middlesex	Mar. 6,	–	– –
909	**Chapter 16.** An act to prevent damage being done on the meadows and beaches lying in, and adjoining on, the south side of the towns of Tisbury and Chilmark, in the county of Dukes County, between the land of Matthew Mayhew, Esq[r]., on the west, and the creek of water that divides the land of Thomas Walron from the beach, on the east .	Mar. 9,	–	Mar. 30, 1770.
911	**Chapter 17.** An act in addition to the several laws already made relating to the removal of poor persons out of the towns whereof they are not inhabitants [1692-93, chap. 28, § 10; 1700-01, chap. 23; 1722-23, chap. 5]	Mar. 19,	–	Mar. 19, 1770.
913	**Chapter 18.** An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Mar. 20,	–	Mar. 25, 1768
919	**Chapter 19.** An act in further addition to the several laws now in being for the more speedy finishing the Land Bank or Manufactory Scheme [1743-44, chaps. 17 and 28; 1744-45, chap. 12; 1748-49, chap. 16; 1750-51, chap. 23; 1754-55, chap 24; 1757-58, chap. 28; 1758-59, chap. 20; 1759-60, chap. 25; 1762-63, chap. 21]	Mar. 20,	–	– –
920	**Chapter 20.** An act for reviving and continuing sundry laws that are expired, or near expiring [1736-37, chap. 4; 1741-42, chap. 4; 1752-53, chap. 12; 1755-56, chap. 43; 1758-59, chap. 17; 1759-60, chap. 29; 1759-60, chap. 15; 1763-64, chap. 3]	Mar. 20,	–	July 1, 1770.
920	**Chapter 21.** An act for laying out and establishing a new street in the town of Boston, leading from Milk Street to Battery-march Street [1760-61, chap. 9; 1759-60, chap. 30]	Mar. 20,	–	– –
922	**Chapter 22.** An act for [the] effectual preventing the currency of the bills of credit of Connecticut, New Hampshire and			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1766-67.—THIRD SESSION—*Con.*	**1767.**		
	Rhode Island, within this province [1761-62, chap. 27]	Mar. 20,	–	Mar. 31, 1770.
	1767-68.—FIRST SESSION.			
953	Chapter 1. An act for granting the sum * thirteen hundred pounds, for the support of his majesty's governor . . .	June 4,	–	– –
953	Chapter 2. An act for incorporating the north-east quarter of the township of Rutland, in the county of Worcester, into a district by the name of Hubbardston,	June 13,	–	– –
954	Chapter 3. An act for erecting the new plantation called Lebanon, lying at the head of the town of Berwick, adjoining on the eastern side of Salmon Falls River, in the county of York, into a town by the name of Lebanon . .	June 17,	–	– –
955	Chapter 4. An act for incorporating the south-westerly part of Deerfield, in the county of Hampshire, into a district by the name of Conway . . .	June 17,	–	– –
956	Chapter 5. An act for supplying the treasury with the sum of eighteen thousand three hundred pounds	June 19,	–	– –
957	Chapter 6. An act for confirming the votes and orders of the proprietors of the town of Royalston, since the fourth day of June, in the year one thousand seven hundred and sixty-four . . .	June 20,	–	– –
958	Chapter 7. An act for supplying the treasury with the sum of one hundred and twenty-five thousand eight hundred and fifty pounds, to be applied for the redemption of government securities that will become due in the year of our Lord one thousand seven hundred and sixty-eight [1749-50, chap. 19; 1761-62, chap. 23]	June 20,	–	– –
959	Chapter 8. An act for apportioning and assessing a tax of forty thousand pounds; and also, for apportioning and assessing a tax of three thousand and twenty-six pounds and five shillings, paid the representatives for their travel, service and attendance in the general court in the year one thousand seven hundred and sixty-six; and also, for assessing the town of Swanzey the sum of fifty pounds, being part of the sum of three hundred pounds lent said town in the year one thousand seven hundred and sixty-four; and also, for assessing the town of Newbury the sum of seventy-three pounds ten shillings and tenpence, and the town of Newburyport the sum of fifty-eight pounds fifteen shillings and tenpence, being taxes arising by means of a defective constable, in the year one thousand seven hundred and sixty-one; and also for assessing the town of Chelsea the sum of seventy-one pounds nineteen shillings and one penny, arising by means of a defective constable, in the year one thousand seven hun-			

* *Sic:* "of" omitted.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1767-68.—FIRST SESSION—*Con.*	1767.		
	dred and forty-nine; and also, for assessing the town of Middleborough the sum of sixty-eight pounds four shillings and eightpence, arising by means of a defective constable, in the year one thousand seven hundred and sixty-two; and also, for assessing the district of South Hadley the sum of thirteen pounds seven shillings and fivepence, paid out of the publick treasury to a committee sent there by the general court; and also, for assessing the district of South Brimfield the sum of four pounds four shillings, paid out of the publick treasury to a committee sent there by the general court; as also, for assessing Great Barrington the sum of three pounds and threepence, paid Joseph Hawley, Esq., sent there by order of the general court; and also, for assessing the several towns in the county of Hampshire the sum of eleven pounds ten shillings, paid out of the publick treasury to a committee sent to the town of Westfield; and also, for assessing sundry towns in the county of Worcester the sum of one hundred and sixty-seven pounds three shillings and fourpence, abated upon the town of Winchendon; and also, for assessing upon several towns and districts the sum of thirty-six pounds nine shillings and elevenpence, paid out of the publick treasury for the support of French Neutrals; all which sums amount to forty-three thousand five hundred and eighty-five pounds and fourpence [1766-67, chap. 3, § 4] . .	June 23,	–	Mar. 30, 1768.
973	Chapter 9. An act for reviving and continuing sundry laws that are expired, and near expiring [1739-40, chap. 8; 1740-41, chap. 15; 1742-43, chap. 4; 1742-43, chap. 11; 1742-43, chap. 25; 1742-43, chap. 28; 1743-44, chap. 6; 1743-44, chap. 14; 1744 45, chap. 27; 1746-47, chap. 27; 1750-51, chap. 21; 1750-51, chap. 22; 1753-54, chap. 14; 1754-55, chap. 21; 1755-56, chap. 9; 1756-57, chap. 28; 1757-58, chap. 5; 1758-59, chap. 6; 1758-59, chap. 16; 1758-59, chap. 33; 1759-60, chap. 38; 1760-61, chap. 35; 1764-65, chap. 7; 1764-65, chap. 10]	June 24,	–	July 20, 1772.
975	Chapter 10. An act to prevent frauds by the adulteration of potash and pearlash [1766-67, chap. 8]	June 25,	–	July 20, 1768.
976	Chapter 11. An act to revive and continue an act made in the fifth year of his present majesty's reign, intitled "An act for allowing necessary supplys to the Eastern Indians, and for regulating trade with them, and preventing abuses therein," which is near expiring [1764-65, chap. 30] . . .	June 25,	–	June 30, 1768.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1767-68.—SECOND SESSION.	**1768.**		
977	Chapter 12. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping . . .	Feb. 26,	–	Mar. 25, 1769.
983	Chapter 13. An act to prevent damage being done on Bound-Brook Island and Griffith's Islands, within the district of Wel[*l*]-fleet, by cattle, horse-kind and sheep,	Feb. 26,	–	June 29, 1773.
984	Chapter 14. An act to enable the proprietors and purchasers [*and*] in the town of Dartmouth, in the county of Bristol, to raise monies and levy taxes, and to sue and defend in certain cases [1726-27, chap 15]	Feb. 26,	–	– –
985	Chapter 15. An act for enquiring into the rateable estates of this province [1760-61, chaps. 24 and 30]	Feb. 26,	–	June 1, 1768.
988	Chapter 16. An act in further addition to the several acts for the settlement and support of schools and schoolmasters [1718-19, chap. 2]	Feb. 26,	–	July 1, 1770.
988	Chapter 17. An act to prevent the destruction of the salt meadows, lying in the towns of Tisbury and Chilmark . . .	Feb. 26,	–	Mar. 1, 1771.
990	Chapter 18. An act to enable the proprietors of three several townships granted June, one thousand seven hundred [*and*] sixty-five; viz[t]., one township, granted to Benjamin Mullakin, Esq[r]., and others, in lieu of a township called Rowley-Canada; one other township, granted to William Raymond and others, in lieu of a township called Halestown; and one other township, granted to Samuel Gerrish, Esq[r], and others, in lieu of a township called Bakerstown, —to make sale of so much of the delinquent proprietors' rights, granted to said Mullakin, Raymond, Gerrish, and others, as is necessary to defrey the charges of said townships	Feb. 27,	–	– –
991	Chapter 19. An act for annexing that part of the town of Shrewsbury, called the Leg, to the town of Lancaster . . .	Feb. 27,	–	– –
991	Chapter 20. An act for continuing sundry laws that are near expiring [1764-65, chap. 24; 1764-65, chap. 25; 1765-66, chap. 30; 1766-67, chap. 13]	Feb. 27,	–	July 1, 1770.
992	Chapter 21. An act for erecting a tract of land of eight miles square called Phillipstown, joining upon the north-west end of the town of Wells, in the county of York, into a town by the name of Sanford	Feb. 27,	–	– –
992	Chapter 22. An act for building and maintaining a lighthouse on the east end of the Gurnet, at the entrance of the harbour of Plymouth [1715-16, chap. 4]	Feb. 27,	–	– –
993	Chapter 23. An act to impower commissaries to settle a line of jurisdiction between this province and the province of New York	Mar. 3,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1768.—FIRST SESSION.	1768.		
1011	Chapter 1. An act for granting the sum of thirteen hundred pounds, for the support of his majesty's governor . . .	May 27,	–	– –
1011	Chapter 2. An act for incorporating the second parish of South Hadley, in the county of Hampshire, into a town by the name of Granby . . .	June 11,	–	– –
1013	Chapter 3. An act for incorporating the northwesterly part of Deerfield, in the county of Hampshire, into a district by the name of Shelburne . . .	June 21,	–	–
1014	Chapter 4. An act for supplying the treasury with the sum of eighteen thousand pounds	June 23,	–	– –
1015	Chapter 5. An act in addition to an act, intitled "An act for erecting the new plantation called Huntstown, in the county of Hampshire, into a town by the name of Ashfield" [1765–66, chap. 15, § 3; 1712–13, chap. 9; 1761–62, chap. 44]	June 24,	1771. July 31,	– –
1017	Chapter 6. An act impowering the assessors of the town of Windham, in the county of Cumberland, to assess, yearly, for three years next [i][*e*]nsuing, one pen[*n*]y per acre on every of the hundred acre lot[*t*]s in said town already lotted out, and not otherwise taxed; ministerial and school lands lying in said town, excepted .	June 24,	–	– –
1018	Chapter 7. An act for the removal of the prisoners from his majesty's goal in the county of Barnstable, to his majesty's goal in the county of Plymouth .	June 24,	–	–
1019	Chapter 8. An act to establish a toll on the bridge lately built over the westermost branch of Saco River, from Biddeford side to Indian Island, in the county of York [1757–58, chap. 14] .	June 24,	–	July 20, 1773.
1020	Chapter 9. An act to enable the assessors of the town of Charlemont to collect all the taxes granted on the lands in the said Charlemont	June 24,	–	– –
1022	Chapter 10. An act for reviving and continuing sundry laws that are expired, and near expiring [1749–50, chap. 15; 1762–63, chap. 19; 1765–66, chap. 12; 1765–66, chap. 20]	June 24,	–	Aug. 1, 1770.
1022	Chapter 11. An act for continuing an act intit[*u*]led "An act for establishing and regulating the fees of the several officers within this province, hereafter mentioned," made in the fifth year of his present majesty's reign [1764–65, chap. 26]	June 28,	–	July 15, 1769.
1023	Chapter 12. An act for building and maintaining a bridge over the great river, in Westfield, in the county of Hampshire [1764–65, chap. 23] . . .	June 30,	–	– –
1023	Chapter 13. An act to prevent a failure of justice, by means of offenders, in any of his majesty's colonies on this continent, escaping into this province, or from one county in this province into another, to avoid the punishments of their offences	June 30,	–	– –
1024	Chapter 14. An act for supplying the treasury with one hundred thousand pounds, to be			

List of the Public Acts—Concluded.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1768.—FIRST SESSION—*Con.*	1768.		
	applied for the redemption of government securities that will become due in the year of our Lord one thousand seven hundred and sixty-nine [1767-68, chap. 7, § 4; 1749-50, chap. 19; 1761-62, chap. 23]	June 30,	-	- -
1027	**Chapter 15.** An act to enable the inhabitants of Lenox, in the county of Berkshire, with other proprietors of lands there, to raise taxes on the lands there, for bringing forward the settlement of the said lands, and for other public purposes for the benefit of said district; and also to inforce the payment of such taxes as have been granted by the inhabitants of Richmont in said county, and are not collected [1763-64, chap. 24, § 1; 1765-66, chap. 16, § 2; 1761-62, chap. 44; 1766-67, chap. 11; 1712-13, chap. 9]	June 30,	-	- -
1028	**Chapter 16.** An act for erecting the new plantation called Number Three, in the county of Hampshire, into a town by the name of Worthington [1712-13, chap. 9; 1761-62, chap. 44]	June 30,	-	- -
1030	**Chapter 17.** An act to establish a toll on the great bridge built over the river Parker, in the town of Newbury, in the county of Essex [1750-51, chap. 14] .	June 30,	-	June 30, 1778.
1032	**Chapter 18.** An act to revive and continue an act made in the fifth year of his present majesty's reign, intitled "An act for allowing necessary supplies to the eastern Indians, and for regulating trade with them, and preventing abuses therein," which is near expiring [1764-65, chap. 30]	June 30,	-	June 30, 1769.

LIST OF THE TITLES OF PRIVATE ACTS.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.
	1757-58.—FIRST SESSION.	1757.	1759.
92	An Act impowering Margarett Pollard of Boston in the County of Suffolk, Widow, Executrix of the last Will and Testament of Benjamin Pollard, Esq[r]., deceased, to make Sale of certain Lands that were conveyed to the said Benjamin Pollard, in Trust	June 16,	Aug. 10.
92	An Act for dissolving the Marriage of Daniel McCarthy with Mary McCarthy	June 14,	-
	FIFTH SESSION.	1758.	
92	An Act for the more easy and equitable Division of the Estates of James Townsend, deceased, and Elizabeth Chauncy, deceased, yet remaining undivided, among the Interested	April 24,	Aug. 10,
	1760-61.—FOURTH SESSION.	1761.	
436	An Act to enable the Executors of the last Will and Testament of Sir William Pepperrell, Baronet, deceased, and the other Proprietors of certain Tracts of Land in the Townships of Biddeford and Scarborough to sue for any Trespasses committed upon said Tracts of Land within five years preceeding the present Session of this Court in the present County of York .	April 18,	-
	1761-62.—FOURTH SESSION.	1762.	1763.
540	An Act for Enabling Mary Hunt to Dispose and Convey her Lands and Interest in Holden	April 24,	Mar. 16.
	1762-63.—THIRD SESSION.	1763.	
624	An Act confirming the Christian name of Ann Baker of Dorchester in the County of Suffolk Widow notwithstanding the Mistake therein	Feb. 17,	-
624	An Act to enable the surviving Executors of Edward Jackson Gentleman deceased to dispose of part of his Real Estate in Shutesbury in the County of Hampshire	Feb. 24,	-
624	An Act to enable Faith Cookson Wife of Obadiah Cookson to make Sale of certain Lands in the Township of Rutland set off to her pursuant to the Will of her late Father Cornelius Waldo Esq[r]	Feb. 24,	-
	1764-65.—FIRST SESSION.	1764.	1767.
782	An Act to enable Abigail Little of Pembroke, formerly the Widow of Isaac Thomas late of said Pembroke, Gentleman, Deceased, to recover of the Children and Heirs of the said Isaac certain Sums of Money due from them to the said Abigail for Right of Dower in the real Estate that was the said Isaac Thomas's .	June 14,	June 26
	1765-66.—FIRST SESSION.	1765.	
859	An Act impowering Peter Hallet to make and execute a Deed of Exchange with Stephen Hallet of certain Lands lying in Yarmouth in the County of Barnstable	June 12,	-

List of the Private Acts—Concluded.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.
	1766-67.—FIRST SESSION.	1766.	
924	An Act to enable William Pepperrell Sparhawk Esq[r] to take the name of William Pepperrell	June 18,	-
	1767-68.—FIRST SESSION.	1767.	
994	An Act to empower Abigail Conqueret of Lancaster in the County of Worcester, Wife of Lewis Conqueret Mariner to commence and prosecute to final Judgment and Execution, certain Action or Actions against Francis Morris and Thomas Legget of Leominster in said County, and for subjecting the said Abigail Conqueret to the Action or Actions of the said Francis Morris and Thomas Legget, as though she was sole and unmarried	June 25,	1768. June 29.

RESOLVES.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
101	1757-58	7	Resolve for the payment of £7, 8*s.* 2*d.* to Jacques Morris, being the proceeds of the sale of canoes in which the Acadians came from the southern colonies	Jan. 5, 1759.
103	1757-58	7	Resolve for distributing Acadians in the several counties according to the province tax, and for apportioning the expense of their support on the towns and districts in the several counties	Apr. 19, 1760.
105	1757-58	7	Resolve that the Governor order all Acadians in Boston to be removed to the barracks on Castle Island, and that they be there subsisted, &c.	Jan. 18, 1764.
106	1757-58	7	Resolve directing the commissary general to furnish subsistence and transportation for poor Acadians in Boston, and to remove them to the towns to which they have been assigned	Feb. 16, 1765.
122	1757-58	19	Resolve remitting fines of John Erving and others	Feb. 1, 1760.
229	1758-59	6	Resolve re-electing guardians for the Indians and ratifying their doings	Jan. 3, 1759.
233	1758-59	21	Resolves for levying and paying forces for the army	Mar. 13, 1759.
237	1758-59	21	Resolve requesting the Governor to direct returns of the number of Quakers in the several regiments, by the respective Colonels	Apr. 24, 1759.
237	1758-59	24	Resolve allowing widows and next of kin to receive wages of deceased soldiers without administration	Apr. 20, 1758.
241	1758-59	32	Resolves for raising and paying 1,500 men	Apr. 18, 1759.
337	1759-60	2	Resolve ratifying assessments and abatements to Quakers in the town of Dartmouth, for the year 1759, and empowering the constables for that year to collect said taxes	Apr. 24, 1760.
339	1759-60	2	Resolve directing the treasurer to issue his warrant to Jacob Cooper of Stockbridge, to collect the tax of 1759, and staying execution against him	June 5, 1762.
340	1759-60	4	Resolve directing the unimproved lands in the district of New Salem to be taxed for four years at one farthing per acre for the repairs of highways, and directing an annual account thereof to be transmitted to non-residents	Feb. 9, 1760.
341	1759-60	5	Resolve laying a tax of ½ penny per acre on the lands of the non-resident proprietors of the district of Westminster, for the term of four years	June 13, 1760.
342	1759-60	6	Resolve granting liberty to the petitioners, proprietors and inhabitants of land in and near Rutland, to bring in a bill, &c.	Oct. 11, 1759.
344	1759-60	7	Resolve granting liberty to the petitioning proprietors of Neguasset, to bring in a bill	Oct. 11, 1759.
347	1759-60	16	Resolve applying money, received from Mr. Agent Bollan, to the payment of officers and soldiers under Gen. Amherst, and directing the treasurer to borrow £32,425, 10*s.* instead of £60,000, and reducing the tax, and ordering a bill to be brought in accordingly	Jan. 9, 1760.
356	1759-60	28	Resolve empowering Theophilus Bradbury to collect excise in Cumberland County, in place of William Livermore, the deceased collector	Feb. 23, 1762.
356	1759-60	28	Resolve discharging Bildad Fowler from forfeiture of his bond, &c.	June 5, 1762.
356	1759-60	28	Resolve remitting to Michael Malcolm the province's part of fines laid upon him	June 15, 1762.
356	1759-60	28	Resolve remitting to Allan Malcolm the province's part of fines laid upon him	June 15, 1762.

List of the Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
361	1759-60 .	39 . .	Resolve ordering that part of a highway be annexed to Palmer, and changing the boundary lines of Brimfield and Palmer, and requiring said Palmer to keep said highway in repair . .	Apr. 18, 1761.
362	1759-60 .	39 . .	Resolve annexing a bridge over Chicopee River, to the town of Brimfield, there to be kept in repair, and enjoining the district of Palmer to keep in repair another bridge over said river, and annexing to Monson part of a road, to be kept in repair by Monson	Feb. 7, 1763.
441	1760-61 .	11 . .	Resolve empowering Samuel Allen to collect all taxes in Gloucester which were not collected by William Somes, constable	Sept. 9, 1762.
542	1761-62 .	6 . .	Resolves for dividing the town of Rehoboth, and apportioning revenues and money in the town treasury	Jan. 9, 1759.
544	1761-62 .	15 . .	Resolve directing the province treasurer not to borrow money until the next session . . .	Nov. 28, 1761.
545	1761-62 .	17 . .	Resolve empowering the court of general sessions for the county of Suffolk, to equalize erroneous assessments on the towns of Dedham and Medfield	Jan. 13, 1761.
545	1761-62 .	17 . .	Resolve exempting Indians in Stockbridge from the tax of 1761	July 11, 1761.
547	1761-62 .	24 . .	Resolve remitting province's part of fine laid on Barnabas Lothrop	June 5, 1762.
548	1761-62 .	24 . .	Resolve directing Alexander Thompson to notify Gad Lyman, collector, of his petition for relief, and continuing the action brought by said collector	June 12, 1764.
548	1761-62 .	24 . .	Resolve empowering any two justices for the county of Worcester, *quorum unus*, to grant a license to James Stone	Jan. 25, 1765.
549	1761-62 .	24 . .	Resolve empowering the general sessions in Worcester county to grant a license to Samuel Pickard .	Feb. 15, 1765..
559	1761-62 .	28 and 29,	Resolve empowering the Governor and Council to fill vacancies in the committee chosen to countersign the treasurer's notes	Feb. 23, 1762.
563	1761-62 .	32 . .	Resolve granting to Joseph Dwight £160 out of the interest of Sir Peter Warren's donation, and also granting to him 1,000 acres of land upon condition, &c.	Feb. 16, 1763.
564	1761-62 .	32 . .	Resolve granting allowances to Eleazer Wheelock for subsisting and educating Indian children, &c.	June 14, 1764.
564	1761-62 .	32 . .	Resolve granting allowances to Eleazer Wheelock for subsisting and educating Indian children, &c.	June 13, 1765.
566	1761-62 .	36 . .	Resolve granting leave to the inhabitants of the town of Biddeford to bring in a bill, and dismissing the petition of the town of Wells . .	Feb. 18, 1762.
567	1761-62 .	47 . .	Resolve empowering the inhabitants of Tyringham to levy and collect taxes, &c., and requiring them to notify the non-resident proprietors there, by publishing notice in the Boston newspapers	June 4, 1762.
625	1762-63 .	6 . .	Resolve directing the treasurer to pay interest to John Still Winthrop upon his loan to the government	Oct. 31, 1765.
626	1762-63 .	8 . .	Resolve fixing the bounds between New Marblehead and the towns of Falmouth and North Yarmouth, and setting off a lot for a school-lot .	Nov. 27, 1761.
632	1762-63 .	12 . .	Resolve empowering the assessors of Freetown to assess the polls and estate of Ammi Chase .	Feb. 16, 1763.
632	1762-63 .	12 . .	Resolve empowering and directing the assessors of Stockbridge, for the year 1762, to sign and complete assessments, &c., and directing the constable to finish his collections, &c. . .	Jan. 30, 1764.
633	1762-63 .	12 . .	Resolve remitting to Narragansett No. One the tax of £44, 7*s.* 6*d.* for the year 1762, and directing a stay of execution	Nov. 1, 1764.

List of the Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
633	1762–63 .	12 . .	Resolve empowering the town of Scarborough to choose a collector of the taxes for the year 1762, in the place of George Lebby, and authorizing said collector to finish his collections, and directing a stay of execution .	Sept. 27, 1765.
635	1762–63 .	26 . .	Resolve for the payment, out of the province treasury, of certain costs to Edward Wing . . .	June 8, 1763.
693	1763–64 .	3 . .	Resolve directing the committee appointed to visit the island of Chappequiddick to ascertain the boundary between Barnstable, Sandwich, and Falmouth, adjoining Mashpee . . .	June 15, 1763.
694	1763–64 .	10 . .	Resolve granting the petitions of Eldad Taylor and Joseph Williams, and taking off certain taxes and laying them upon other towns . . .	Feb. 16, 1763.
694	1763–64 .	10 . .	Resolve empowering the town of Abington to accept of Nicholas Shaw as constable, in the place of Abraham Beales	Feb. 21, 1763.
694	1763–64 .	10 . .	Resolve empowering the assessors of Brimfield to apportion a tax on the inhabitants of the district set off therefrom, and enjoining the said inhabitants to pay, and the collectors of the south precinct to collect, the same . . .	June 13, 1763.
695	1763–64 .	10 . .	Resolve directing South Brimfield to pay £5, 5s. as their proportion of the county tax, and providing for the assessment and collection of the same	June 15, 1763.
695	1763–64 .	10 . .	Resolve remitting taxes laid on plantation No. 4, and superseding executions for the same . .	June 8, 1764.
695	1763–64 .	10 . .	Resolve directing order of notice, to the town of Pownalborough, upon the petition of William Bacon and others	June 12, 1764.
695	1763–64 .	10 . .	Resolve exempting certain residents on Kennebec River from being taxed in the town of Pownalborough, and vacating taxes already assessed	Mar. 1, 1765.
696	1763–64 .	10 . .	Resolve empowering James Karswell to finish his collections of taxes in the first parish of Kittery	Oct. 29, 1765.
700	1763–64 .	24 . .	Resolve increasing the gratuity to the Stockbridge Indians, and appointing a committee to receive the same	June 11, 1762.
700	1763–64 .	24 . .	Resolve increasing the grant to the Stockbridge Indians, and directing the whole grant to be paid over to Timothy Woodbridge upon his giving bond, &c., and for settling the titles of claimants of lands under Indian deeds . . .	Feb. 17, 1763.
701	1763–64 .	24 . .	Resolve vesting the proprietors of Yokumtown with the privileges of proprietors of common lands in new townships, and providing for the calling of a proprietors' meeting	June 15, 1763.
782	1764–65 .	3 . .	Resolve granting £6, 2*s.* 9*d.* to the town of Greenwich, and adding the same to the tax on Belchertown	Jan. 2, 1764.
782	1764–65 .	3 . .	Resolve remitting a tax on the town of Lincoln and laying the same on the town of Lexington .	Jan. 26, 1764.
783	1764–65 .	3 . .	Resolve for lending £300 to the town of Swanzey, and providing for its repayment	Jan. 26, 1764.
783	1764–65 .	3 . .	Resolve ordering assessors, &c., to make and return lists of polls and estates in Bernardston and Huntstown, and staying executions against constables, &c., until the next session . .	Feb. 15, 1765.
785	1764–65 .	4 . .	Resolve empowering the treasurer to direct all such bills of exchange as remain to be drawn under said act, "To Jasper Mauduit Esq^r. in London"	Feb. 7, 1765.
786	1764–65 .	12 . .	Resolve empowering the selectmen of Salem to fence across the highway, and the justices of the peace, there, to appoint watches to prevent the spreading of the small-pox . . .	Jan. 21, 1764.

List of the Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
786	1764-65 .	12 . .	Resolve empowering selectmen and justices of the peace to fence across highways, appoint watches, and take other measures to prevent the spread of the small-pox	Jan. 25, 1764.
786	1764-65 .	12 . .	Resolve continuing until the first of September next, the order empowering the selectmen of Marblehead and the justices there, to take measures against the spread of the small-pox .	June 8, 1764.
790	1764-65 .	22 . .	Resolve incorporating Dorchester-Canada into a town, and granting the inhabitants leave to bring in a bill accordingly, and ordering notice to the proprietors of all lands lying within the bounds thereof	June 7, 1763.
791	1764-65 .	28 . .	Resolve requesting the Governor to appoint an able mathematician to take an account of population	June 3, 1763.
861	1765-66 .	3 . .	Resolve empowering the clerk of the proprietors of Pequoage to make up back records . .	June 11, 1760. June 18, 1760.
863	1765-66 .	6 . .	Resolve on the petition of the second and third precincts in Stoughton, confirming an agreement between them defining their boundary line .	Feb. 18, 1762.
866	1765-66 .	18 . .	Resolve apportioning taxes upon Stoughton and Stoughtonham	Oct. 30, 1765.
866	1765-66 .	18 . .	Resolve granting Tyringham leave to return a list of polls and estates	June 14, 1766.
866	1765-66 .	18 . .	Resolve empowering the assessors of Shutesbury to issue tax warrants for the year 1765, and authorizing the constables there, to complete their collections	June 24, 1766.
866	1765-66 .	18 . .	Resolve authorizing the town of Pownalborough to choose a collector of taxes	Nov. 4, 1766.
866	1765-66 .	18 . .	Resolve authorizing the town of Freetown to choose a collector of taxes	Nov. 5, 1766.
866	1765-66 .	18 . .	Resolve authorizing Falmouth and Cape Elizabeth to jointly assess their inhabitants and estates, and directing their assessors to return lists of polls and estates	Nov. 7, 1766.
867	1765-66 .	20 . .	Resolve granting £200 for repairing the beach at Plymouth, and appointing a joint committee to view the premises, and report the total expense, and how it shall be apportioned .	June 7, 1764.
868	1765-66 .	20 . .	Resolve directing Plymouth to raise £200, and providing, in that case, for immediately repairing the harbor of Plymouth	June 22, 1765.
869	1765-66 .	23 . .	Resolve confirming the titles of the proprietors of Murrayfield, in certain proportions, upon condition	June 11, 1766.
871	1765-66 .	25 . .	Resolve accepting the report of the committee last named, and setting off petitioners to the first parish in Falmouth	Jan. 18, 1760.
872	1765-66 .	25 . .	Resolve ordering notice to the first parish in Falmouth on the petition of James Small and others	June 16, 1768.
873	1765-66 .	25 . .	Resolve on the petition of the first parish in Falmouth, suspending the operation of the declaratory resolve, respecting liability for parish taxes, until after the petitioners have had opportunity to be heard thereon	Apr. 16, 1770.
874	1765-66 .	28 . .	Resolve releasing sureties on the bond of Jacob Fisk .	June 9, 1768.
876	1765-66 .	31 . .	Resolve empowering the assessors of South Brimfield, to assess for arrears of expenses for the support of the ministry, incurred before the division of the district, &c., and to commit the same for collection	June 11, 1767.
876	1765-66 .	31 . .	Resolve on the petition of Edward Webber, directing him to advertise notice of his petition, returnable at the next winter session . .	June 11, 1767.
927	1766-67 .	6 . .	Resolve directing the assessors of Newbury and Newburyport to prepare and return a list of assessments	June 14, 1765.

List of the Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
927	1766-67	6	Resolve remitting fine and granting £9 to Hopkinton,	June 18, 1767.
935	1766-67	10	Resolve granting £1,350 with interest, to Benjamin Hallowell, Jr.	June 25, 1766.
941	1766-67	10	Resolve granting pay to the committee appointed to inquire into the riots	Mar. 17, 1767.
948	1766-67	17	Resolve granting 48*s.* to Michael Daigle, an Acadian, &c.	June 9, 1767.
995	1767-68	8	Resolve for paying £5, 2*s.* 8*d.* for the benefit of Francis Le Blanc, and for notifying Brimfield and South Brimfield, &c.	June 24, 1766.
995	1767-68	8	Resolve deducting £3, 14*s.* 6*d.* from the tax on Great Barrington, and adding the same to the tax on Sheffield	Mar. 10, 1767.
1005	1767-68	22	Resolve granting £98, 17*s.* towards building Plymouth lighthouse	Apr. 25, 1771.
1005	1767-68	22	Resolve granting pay, &c., to John Thomas, keeper of Plymouth lighthouse	Apr. 21, 1772.
1005	1767-68	22	Resolve granting pay, &c., to John Thomas, keeper of Plymouth lighthouse	Jan. 28, 1773.
1005	1767-68	22	Resolve of the provincial congress, for removing the lamps, oil, &c., from Plymouth lighthouse	July 2, 1775.
1005	1767-68	22	Resolve granting pay, &c., to John Thomas, keeper of Plymouth lighthouse.	Oct. 6, 1775.
1005	1767-68	22	Resolve granting pay for services of John Thomas, keeper of Plymouth lighthouse, to his executrix	Feb. 2, 1778.
1006	1767-68	23	Resolve on the accepted report of the committee on the New Hampshire, Connecticut, and New York boundaries, requesting the Lieut. Governor to prepare a state of the controversy concerning the boundaries between Massachusetts, Connecticut, and New York, &c.	June 1, 1763.
1033	1768	2	Resolve directing that taxes be assessed on lands lying in the first and second parishes in South Hadley, to the owners thereof, though residing in the other of said parishes	June 9, 1762.
1038	1768	5	Resolve ordering notice on the petition of Ebenezer Smith and others	Apr. 10, 1770.
1043	1768	5	Resolve ordering notice on the petition of Benjamin Beal and others, and directing a stay of proceedings under this act	Apr. 12, 1771.
1046	1768	6	Resolve empowering the assessors of Windham to assess, for three years, one penny per acre, &c., and providing for the collection and the appropriation of said tax	Mar. 4, 1768.
1046	1768	9	Resolve authorizing a tax of one penny per acre, for three years, on lands in Charlemont, and providing for the collection and appropriation of said tax	Jan. 24, 1764.
1049	1768	16	Resolve authorizing the province treasurer to accept certain securities of Aaron Willard, and thereupon to deliver to him his bond	June 12, 1766.

DECLARATORY RESOLVES.*

106	1757-58	7	Resolve declaring that it is the duty of towns to continue to provide for poor Acadians, notwithstanding the removal of some from other towns	Feb. 15, 1765.
243	1758-59	38	Resolve declaring that it is the meaning of this act that the selectmen of Boston are to begin the work, and draw upon the treasury for the same, as soon as the proposed sum to be raised by each lottery is received and paid over to the town treasurer. [See 1755-56, chap. 24.]	Jan. 17, 1757.

* See, also, RESOLVES OF THE COUNCIL, under date of Mar. 29, 1759, and VOTES AND ORDERS OF THE COUNCIL, under date of Dec. 5, 1758, *post.*

List of Declaratory Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
872	1765-66 .	25 . .	Resolve declaring that from the time the act of incorporation of Cape Elizabeth took effect, all the inhabitants were, and still are, held to pay parish taxes there, and to no other parish. [See RESOLVES OF THE COUNCIL, April 26, 1771]	Mar. 28, 1770.
876	1765-66 .	31 . .	Resolve declaring that by the act for dividing South Brimfield into separate parishes, the inhabitants of the west parish, are not freed from any charges for the support of the ministry, previous to said division, and previous to settling a minister in the east parish . . .	June 11, 1767.

VOTES AND ORDERS.

94	1757-58 .	2 . .	Order empowering the assessors of the town of Leicester and district of Spencer to assess the inhabitants of "the Gore" lately annexed to the district of Charlton	June 13, 1757.
94	1757-58 .	2 . .	Vote directing the province treasurer not to borrow money or issue notes to be redeemed out of the fund of £15,200, laid on the year 1757 .	June 16, 1757.
94	1757-58 .	2 . .	Order directing the province treasurer to borrow the additional sum of £15,200, &c. . . .	Aug. 31, 1757.
94	1757-58 .	2 . .	Order abating £4, 8*s.* 2*d.* from the tax on the district of Southampton, and laying the same on the town of Northampton, &c.	Dec. 2, 1757.
94	1757-58 .	3, § 4 .	Vote for an establishment for the defence of the frontiers of the province	Jan. 21, 1758.
96	1757-58 .	7 . .	Order appointing a committee to consider and report upon the question of disposing of the inhabitants of Nova Scotia, then in the province .	June 1, 1757
96	1757-58 .	7 . .	Order on the petition of Duncan Campbell, allowing him 42*s.* ½*d.* to reimburse him his expense in transporting and subsisting five children from Nova Scotia	June 2, 1757
96	1757-58 .	7 . .	Order appointing a committee to consider and report upon the question of disposing of the French inhabitants of Nova Scotia then in the province	June 14, 1757.
96	1757-58 .	7 . .	Order appointing a committee to consider and report upon the question of disposing of the French inhabitants of Nova Scotia then in the province	Aug. 17, 1757.
97	1757-58 .	7 . .	Order directing the committee appointed Feb. 21, 1757, on the subject of the expense incurred by the province in supporting the Acadians, to sit forthwith, prepare accounts, and report, &c.	Aug. 25, 1757.
97	1757-58 .	7 . .	Vote appointing and instructing a committee to ascertain the expense incurred in supporting Acadians	Nov. 29, 1757.
97	1757-58 .	7 . .	Order directing that one family of Acadians be removed from Sherborn to Southborough and there supported, and that others remain in Sherborn	Dec. 2, 1757.
97	1757-58 .	7 . .	Order directing that seven Acadians be removed from Needham to Stoughton, and three from Stoughton to Wrentham, there to be supported	Jan. 6, 1758.
97	1757-58 .	7 . .	Order appointing a committee to consider the petition of Francis Muis and others, Acadians, praying relief	Jan. 10, 1758.
97	1757-58	7 . .	Order appointing Captain Williams in the place of John Choate on the committee last mentioned	Jan. 11, 1758.

Votes and Orders—Continued.

Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
98	1757-58 .	7 . .	Order appointing a joint committee to consider the petition of Charles Muis, an Acadian, praying relief	Jan. 12, 1758.
98	1757-58 .	7 . .	Order directing the province secretary to write to the selectmen of the towns to which certain petitioning Acadians belong, notifying them to conform to the orders relative to their support,	Jan. 13, 1758.
98	1757-58 .	7 . .	Order directing the province treasurer to deliver to the agents of Gov. Lawrence, accounts of the expense of supporting Acadians who have come from the southern colonies, and to request payment thereof	Jan. 24, 1758.
98	1757-58 .	7 . .	Vote directing that dwelling-houses be provided and other arrangements made for supporting Acadians in the province	Mar. 18, 1758.
98	1757-58 .	7 . .	Order appointing a committee to consider and report upon a petition of Nathaniel Ray Thomas praying that his bond to the province treasurer for the employment of certain Acadians may be cancelled	Mar. 20, 1758.
98	1757-58 .	7 . .	Vote appointing a committee to wait on Gov. Lawrence in regard to the support of the Acadians who have come from the southern governments, &c.	Mar. 23, 1758.
98	1757-58 .	7 . .	Order on the memorial of Thomas Hutchinson, allowing him £2, 13*s.* 4*d.* yearly for house rent of Acadians	Apr. 21, 1758.
99	1757-58 .	7 . .	Order directing that the bond of Nathaniel Ray Thomas for the employment of Acadians be cancelled, and that the selectmen of Easton provide for said Acadians	Apr. 25, 1758.
99	1757-58 .	7 . .	Vote appointing a committee to dispose of the boats in which certain Acadians came from the southern colonies	Apr. 25, 1758
99	1757-58 .	7 . .	Order directing that Jacques Morris and his family be removed from Leicester to Brookfield, there to be supported	Apr. 29, 1758
99	1757-58 .	7 . .	Order permitting the son of Jacques Le Blanc to reside in this province	June 2, 1758.
99	1757-58 .	7 . .	Vote for providing dwelling-houses for Acadians, and for maintaining the sick and infirm among them, and obliging the able-bodied to maintain themselves and their families . . .	June 14, 1758.
100	1757-58 .	7 . .	Order allowing the selectmen of Milton to remove five Acadians, there, to Wrentham, there to be provided for, &c.	June 15, 1758.
100	1757-58 .	7 . .	Order appointing a committee to select a place of residence for the family of —— Vincent, an Acadian, formerly of Groton . . .	Jan. 2, 1759.
100	1757-58 .	7 . .	Order appointing a committee to report upon the petition of Joseph D'Autremont, an Acadian, praying that his family may be removed from Medfield to Walpole	Jan. 2, 17
100	1757-58 .	7 . .	Order appointing a committee to report upon the petition of Hammond Tibido, an Acadian, praying for relief	Jan. 2, 175
100	1757-58 .	7 . .	Order directing the committee appointed upon the petition of Joseph D'Autremont to consider and report some method for easing the province of the expense of the support of the Acadians	Jan. 4, 1759
101	1757-58 .	7 . .	Order directing the selectmen of Dorchester to supply necessaries to Hammond Tibido . . .	Jan. 6, 1759
101	1757-58 .	7 . .	Order for the removal of Acadians from Medfield to Walpole as prayed for by Joseph D'Autremont	Jan. 6, 1759
101	1757-58 .	7 . .	Order appointing a committee, with instructions, to report measures to prevent further expense on account of the Acadians	Jan. 11, 1759.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
101	1757-58 .	7 . .	Order appointing a committee on a petition of Peter Trahan praying to be relieved from the payment of his note of £50	Apr. 18, 1759.
102	1757-58 .	7 . .	Order directing selectmen of Easton to provide for the family of Charles Meuse, an Acadian .	June 9, 1759.
102	1757-58 .	7 . .	Order directing selectmen to guard against correspondence between Acadians and Canada, and to return lists of Acadians . . .	Oct. 6, 1759.
102	1757-58 .	7 . .	Order rejecting report of a committee, and directing selectmen to return lists of Acadians, &c., and providing for the publication of this order	Oct. 19, 1759.
102	1757-58 .	7 . .	Order directing that the committee on the expense of supporting the Acadians, consider and report upon the Governor's message	Jan. 25, 1760.
103	1757-58 .	7 . .	Vote extending time for return of lists of Acadians, by selectmen	Feb. 7, 1760.
103	1757-58 .	7 . .	Vote accepting report of the committee on distributing Acadians, and appointing a committee to make the distribution	Apr. 26, 1760.
105	1757-58 .	7 . .	Order appointing a committee on the Governor's message of January 24, 1765	Jan. 26, 1765.
106	1757-58 .	7 . .	Order to abate poll taxes on Acadians in Falmouth .	Mar. 9, 1765.
106	1757-58 .	8 . .	Vote granting £300 to Gov. Pownall	Aug. 24, 1757.
111	1757-58 .	15 . .	Order postponing consideration of a petition of the inhabitants of Merryconeag Neck . . .	Apr. 23, 1757.
112	1757-58 .	15 . .	Order referring to a joint committee, the petition of the inhabitants of Merryconeag Neck, and the answer of North Yarmouth, to hear the parties and report thereon	June 14, 1757.
112	1757-58 .	15 . .	Order granting liberty to inhabitants of Merryconeag Neck to bring in a bill in accordance with their petition	Dec. 6, 1757.
113	1757-58 .	16 . .	Order appointing a committee to prepare an answer to the Governor's message of Aug. 25 . .	Aug. 31, 1757.
113	1757-58 .	16 . .	Vote appointing a committee to prepare barracks for 1,000 men, and directing the commissary general to provide necessary furniture and utensils	Aug. 31, 1757.
113	1757-58 .	16 . .	Order granting £400 to the committee to prepare barracks, &c.	Aug. 31, 1757.
113	1757-58 .	16 . .	Order appointing a joint committee to present a message from the assembly to the Governor .	Aug. 31, 1757.
114	1757-58 .	16 . .	Order appointing a joint committee to consider the Governor's message of Nov 26, and the letter from the Earl of Loudoun, and to report thereon	Nov. 26, 1757.
115	1757-58 .	16 . .	Order appointing a committee to consider the Governor's message of Dec. 14, and the letter of the Earl of Loudoun, and report thereon .	Dec. 14, 1757.
116	1757-58 .	16 . .	Order appointing a joint committee to present a message from the assembly to the Governor .	Dec. 14, 1757.
117	1757-58 .	16 . .	Vote appointing a joint committee to consider and report on the letter of the Earl of Loudoun .	Jan. 2, 1758.
117	1757-58 .	16 . .	Order appointing a joint committee to present a message from the assembly to the Governor .	Jan. 6, 1758.
118	1757-58 .	17 . .	Order appointing a committee to consider and report on the petition of Cornelius Allen and others, Quakers, of Dartmouth	Aug. 17, 1757.
119	1757-58 .	17 . .	Order referring the petition of Joseph Wing, a Quaker, to the committee on the petition of Cornelius Allen	Aug. 23, 1757.
119	1757-58 .	17 . .	Order appointing a joint committee on the petition of Joseph Wing, a Quaker	Jan. 31, 1764.
119	1757-58 .	17 . .	Order granting £3, 9*s.* 2*d.* to John Gorham for fees for committing Quakers	Feb. 1, 1764.
119	1757-58 .	17 . .	Order directing notice, &c., upon petition of Joseph Wing and Melatiah Gifford, Quakers, and referring the same to the next assembly .	Feb. 2, 1764.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
119	1757-58 .	17 . .	Order granting £21 for the benefit of Moses Swift upon his reconveying land to Melatiah Gifford, a Quaker	Feb. 11, 1765.
121	1757-58 .	18 . .	Vote exempting all persons on the alarm list from military duties until Oct., 1758, and remitting fines for non-attendance, &c.	Mar. 23, 1758.
122	1757-58 .	19 . .	Vote choosing collectors of excise	Mar. 17, 1758.
127	1757-58 .	20 . .	Order dismissing the petition of Thomas Green and others, Baptists	Nov. 15, 1754.
127	1757-58 .	20 . .	Order dismissing the petition of John Procter, a Baptist	Nov. 15, 1754.
127	1757-58 .	22 . .	Order appointing a joint committee to consider the Governor's message and bring in a bill to prevent corruption, &c.	Mar. 23, 1758.
127	1757-58 .	22 . .	Order instructing the committee on the Governor's message, &c., to draught an answer thereto .	Mar. 24, 1758.
128	1757-58 .	22 . .	Order appointing a joint committee to present to the Governor an answer to his message . .	Mar. 24, 1758.
132	1757-58 .	25 . .	Vote appointing a joint committee on the Governor's message	Mar. 24, 1758.
133	1757-58 .	28 . .	Order appointing a joint committee to report a plan for finishing the Land Bank, &c. . . .	Mar. 10, 1758.
133	1757-58 .	28 . .	Order directing committee on finishing the Land Bank, to bring in a bill	Mar. 18, 1758
135	1757-58 .	30 . .	Votes to raise men for the reduction of Canada .	Mar. 13, 1758
135	1757-58 .	30 . .	Order appointing a joint committee to consider what should be further done in relation to the expedition against Canada	Mar. 14, 1758
135	1757-58 .	30 . .	Order appointing a joint committee to present a message to the Governor	Mar. 15, 1758.
135	1757-58 .	30 . .	Order accepting report of a committee fixing pay and bounty of men in the expedition against Canada	Mar. 17, 1758.
136	1757-58 .	30 . .	Vote offering bounties to volunteers in the expedition against Canada	Mar. 18, 1758.
136	1757-58 .	30 . .	Vote granting subsistence to enlisted soldiers until they receive the army allowance . . .	Mar. 22, 1758
136	1757-58 .	30 . .	Vote and order appointing a joint committee to request the Governor to issue his proclamation to encourage the expedition against Canada	Mar. 22, 1758.
138	1757-58 .	30 . .	Vote extending the time for enlistments, and the payment of bounties for the expedition against Canada	Apr. 21, 1758
140	1757-58 .	30 . .	Order appointing a joint committee on the Governor's message	Apr. 22, 1758.
140	1757-58 .	30 . .	Vote accepting report on furnishing outfit for the men and providing for the pay of chaplain and surgeons in the expedition against Canada	Apr. 24, 1758.
140	1757-58 .	33 . .	Order accepting account of James Russell, commissioner of stamp duties	July 3, 1756
140	1757-58 .	34 . .	Order referring the Governor's message to a committee,	Apr. 28, 1758.
141	1757-58 .	34 . .	Order accepting the report of the committee that medicine chests be provided for the army .	Apr. 29, 1758
141	1757-58 .	34 . .	Vote applying fines of soldiers in 1756 to raising men for the expedition against Canada . .	Apr. 29, 1758.
141	1757-58 .	34 . .	Order appointing a joint committee to present a message to the Governor	Apr. 29, 1758.
141	1757-58 .	34 . .	Order accepting the report of a committee that vessels be provided to transport troops, and that carriages be provided to convey baggage of troops going by land	Apr. 29, 1758.
141	1757-58 .	34 . .	Vote requesting the Governor to inform the General and the several colonels of the province troops that the pay of the troops will be continued until Nov. 15, 1758	Oct. 12, 1758.
142	1757-58 .	35 . .	Order appointing a joint committee to project the scheme of a lottery for the government .	Mar. 20, 1758.

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Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
142	1757-58 .	35 . .	Order appointing Mr. Hall a manager of the lottery in the place of Mr. Tyng	
142	1757-58 .	35 . .	Vote directing the managers of the lottery to render their accounts to the treasurer for publication	June 15, 1758.
227	1758-59 .	2 . .	Order granting £2, 17*s.* 2*d.* to John Gorham for apprehending deserters	Oct. 10, 1759.
227	1758-59 .	3 . .	Order appointing a joint committee to devise means to execute the Governor's orders for raising men, &c.	Apr. 17, 1761.
228	1758-59 .	4 . .	Order appointing a joint committee to assist the treasurer in borrowing money for the province	June 8, 1758.
228	1758-59 .	6 . .	Vote electing guardians for the Indians	June 15, 1758.
229	1758-59 .	8 . .	Order appointing a joint committee to report the condition of the women and children lately arrived, belonging to the army, and what shall be done with them	Oct. 10, 1758.
229	1758-59 .	8 . .	Votes accepting the report of the committee on women and children belonging to the army, and appointing a committee to request the Governor to order them to be received in the barracks on Castle Island, and to endeavor to secure their support by the contractor for provisions for the army, or his agent . . .	Oct. 5, 1758.
229	1758-59 .	8 . .	Order to the committee on women and children of the army, to sit again	Oct. 7, 1758.
230	1758-59 .	8 . .	Vote accepting report of the committee, and ordering a joint committee thereby appointed, to send away women and children of the army, and granting an allowance therefor .	Oct. 10, 1758.
231	1758-59 .	12 . .	Order of notice to the first precinct in Hadley on the petition of John Nash and others . . .	Oct. 13, 1758.
231	1758-59 .	12 . .	Order appointing a joint committee on the petition of the second precinct in Hadley, &c. . . .	June 8, 1758.
231	1758-59 .	12 . .	Order accepting report on the petition of the second precinct in Hadley, and granting the petitioners leave to bring in a bill, and apportioning the expense of the support of Daniel Smith equally between Hadley and Amherst	Jan. 9, 1759.
231	1758-59 .	13 . .	Order granting leave to Benjamin Houghton and others to bring in a bill	Jan. 12, 1759.
231	1758-59 .	20 . .	Order appointing a joint committee on the petitions of George Leonard and Benjamin Jacob .	June 8, 1758.
231	1758-59 .	20 . .	Order adding John Cushing to the committee last named	Jan. 26, 1759.
238	1758-59 .	29 . .	Vote choosing collectors of excise	Feb. 2, 1759.
238	1758-59 .	29 . .	Orders directing collector of excise not to prosecute Jonathan Morton and John Dickinson for breach of excise law	Mar. 20, 1759.
238, 239	1758-59 .	29 . .	Orders directing collector of excise not to prosecute Timothy Nash and Martyn Phelps for breach of excise law	June 7, 1759.
239	1758-59 .	29 . .	Order directing collector of excise not to prosecute Jeremiah Green for breach of excise law .	June 7, 1759.
239	1758-59 .	29 . .	Vote allowing Daniel Clarke two per cent additional allowance, as collector	June 12, 1759.
239	1758-59 .	29 . .	Order remitting excise to Philip Masters . . .	Jan. 24, 1760.
240	1758-59 .	32 . .	Vote of thanks to the Governor, for his application to the Crown for reimbursement . . .	Apr. 26, 1760.
240	1758-59 .	32 . .	Order appointing a joint committee to carry a message to the Governor	Mar. 28, 1759.
240	1758-59 .	32 . .	Vote appointing a joint committee to consider and report upon the Governor's message and accompanying letters	Mar. 28, 1759.
241	1758-59 .	32 . .	Order appointing a joint committee to consider the Governor's message and stoppages in the muster rolls, and report thereon . . .	Apr. 12, 1759.
				Apr. 18, 1759.

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Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER		SUBJECT OF THE VOTE, ETC.	Date.
	Year.	Chapter.		
242	1758-59	32	Vote granting 3*s.* additional premiums to enlisting-officers	Apr. 18, 1759.
243	1758-59	32	Order accepting report of committee on message to the Governor, and appointing a committee to present the same	Apr. 18, 1759.
243	1758-59	32	Vote extending the time for enlistments	Apr. 24, 1759.
243	1758-59	38	Order extending the time for drawing the lotteries and disposing of tickets, and authorizing selectmen of Boston to expend the money raised by lottery, for the building a wall, &c.	Aug. 27, 1757.
336	1759-60	1	Vote granting £200 to Governor Pownall	Apr. 24, 1760.
336	1759-60	2	Order remitting fine on the town of Berkeley	Oct. 18, 1759.
336	1759-60	2	Order remitting fine and granting £10 to Townshend	Feb. 2, 1760.
336	1759-60	2	Order directing Moses Farnum and others, Quakers, to notify certain captains of the militia to appear and answer at the General Court, and directing the constables not to make distress on such Quakers, &c.	Feb. 9, 1760.
337	1759-60	2	Order confirming assessment by the selectmen of Littleton and empowering the constable to collect the rates	Feb. 12, 1760.
337	1759-60	2	Vote directing constables, &c., not to distress for tax on Quakers, &c.	Feb. 12, 1760
337	1759-60	2	Order appointing a joint committee on the petition of Moses Farnum and others	Mar 21, 1760.
337	1759-60	2	Order directing tax collectors in Boston not to distrain for the tax of 1759	Mar. 28, 1760.
337	1759 60	2	Vote granting £661, 13*s.* 4*d.* to certain towns therein named, ordering abatements to persons assessed, and appropriating balance of monies collected of Quakers	Mar. 29, 1760.
337	1759-60	2	Order dismissing the petition of Moses Farnum and others	June 20, 1760.
338	1759-60	2	Order appointing a joint committee on the petition of Hezekiah Hall of Uxbridge	Dec. 20, 1760.
338	1759-60	2	Order directing a stay of execution against John Sherman, &c.	Dec. 27, 1760.
338	1759-60	2	Order dismissing the petition of Moses Farnum and others	Dec. 27, 1760.
338	1759-60	2	Order granting £20 to the town of Medway	Dec. 31, 1760.
338	1759-60	2	Order granting £10 to the town of Southborough	Jan. 2, 1761.
338	1759-60	2	Order granting £8 to the town of Uxbridge	Jan. 6, 1761.
339	1759-60	2	Order directing and empowering Hezekiah Hall, a constable of Uxbridge, to collect taxes on Quakers, and allowing him his expenses	Jan. 16, 1761.
339	1759-60	2	Vote directing and empowering constables of Uxbridge and Mendon to collect taxes on Quakers, and allowing them their costs	Jan. 19, 1761.
339	1759-60	2	Vote ordering the town of Hanover to pay £13, 2*s.* 4*d.* to Sylvanus Wing	Apr. 17, 1761.
339	1759-60	2	Vote referring consideration of the petitions of Moses Farnum and Samuel Aldrich to the next session, and staying all actions in the mean time,	Apr. 20, 1761.
339	1759-60	2	Vote granting amount of taxes laid on Benjamin Thayer and Job Hardy to Joseph Benson, constable of Mendon	Nov. 28, 1761.
339	1759-60	2	Order reviving petition of the town of Topsfield, and granting £10 to said town	Feb. 9, 1762.
340	1759-60	4	Order directing Jonas Houlton to notify non-resident proprietors of New Salem to appear and answer at the General Court	June 9, 1759.
340	1759-60	4	Order appointing a committee on the petition of Joseph Houlton	Jan. 5, 1760.
340	1759-60	5	Order directing notice to non-resident proprietors of plantation No. 2 to appear at the next session of the General Court to answer the petition of Joseph Holden and others	Oct. 5, 1759
340	1759-60	5	Order referring to a joint committee the petition of Joseph Holden and others	Jan. 9, 1760

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
340	1759-60 .	5 . .	Order accepting report of the committee on the petition of Joseph Holden and others, and directing a tax of ½ penny per acre to be laid on lands of the non-resident proprietors, &c., for the support of a minister, and empowering the inhabitants to appoint assessors and collectors of said tax	Feb. 8, 1760.
341	1759-60 .	5 . .	Order directing notice to the town of Westminster to appear and answer at the next session to the petition of Joseph Miller and others . .	Nov. 18, 1761.
341	1759-60 .	5 . .	Order reviving the petition of Joseph Miller and others, and confirming votes, &c., of the inhabitants of the district of Westminster .	Jan. 22, 1762.
341	1759-60 .	5 . .	Order directing notice to the resident proprietors of Westminster, to appear at the next session to answer the petition of the non-resident proprietors, and staying the sale of lands, by the proprietors' committee in the mean time	June 5, 1762.
341	1759-60 .	5 . .	Order referring the further consideration of the petition of the non-resident proprietors of Westminster, to the next session, and staying the sale of lands in the mean time . . .	Sept. 16, 1762.
341	1759-60 .	5 . .	Order referring to a committee, the petition of Hezekiah Gates and others, proprietors of the district of Westminster	Jan. 20, 1763.
342	1759-60 .	5 . .	Order accepting report of the committee on the petition of the proprietors of Westminster, and setting aside the tax on non-resident proprietors	Jan. 29, 1763.
342	1759-60 .	6 . .	Order of notice to the proprietors and inhabitants of the East Wing of Rutland to appear and show cause, at the next session, on the petition of Benjamin Houghton and others . . .	Feb. 8, 1759.
342	1759-60 .	6 . .	Order referring to a joint committee, the petition of B. Houghton and others, and the answer thereto,	June 8, 1759.
342	1759-60 .	6 . .	Order accepting report of committee on petition of B. Houghton and others, and appointing new joint committee to view the premises and report	June 9, 1759.
342	1759-60 .	6 . .	Order of notice to non-petitioning proprietors to show cause at the next session on the petition of the inhabitants and proprietors of Princetown	June 4, 1760.
342	1759-60 .	6 . .	Vote empowering the assessors of Brimfield, and the assessors of Rutland, to assess the inhabitants of Monson and Princetown, respectively,	June 12, 1760.
343	1759-60 .	6 . .	Order referring to a joint committee, the petition of Abijah Moore and others and the answer thereto	Dec. 24, 1760
343	1759-60 .	6 . .	Order accepting report of committee and directing that a tax of twopence per acre be assessed for three years on all the lands in Princetown,	Dec. 31, 1760.
343	1759-60 .	6 . .	Vote granting the petition of Zachariah Harvey, and remitting the province tax on the district of Princetown	Jan. 16, 1761.
343	1759-60 .	6 . .	Order of notice to Zachariah Harvey on petition of inhabitants of Princetown	Apr. 7, 1761.
343	1759-60 .	6 . .	Order referring to a joint committee, petition of inhabitants of Princetown and the answer of Zachariah Harvey	June 9, 1761.
343	1759-60 .	6 . .	Order referring memorial of selectmen of Princetown to the joint committee on the petition of the inhabitants of said Princetown . . .	June 10, 1761.
344	1759-60 .	6 . .	Order accepting the report of the joint committee on the petition of the inhabitants of Princetown, confirming proceedings at their March meeting, and directing the assessors to make a list and valuation of estates there	June 13, 1761.

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Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
344	1759-60	7	Order of notice to the town and first parish of Georgetown, to show cause at the next session upon the petition of the proprietors of Neguasset	June 9, 1759.
344	1759-60	10	Vote empowering the managers of the Sudbury lotteries to apply part of the proceeds thereof towards repairing two causeways in Sudbury	Nov. 6, 1759.
344	1759-60	14	Vote directing the commissary general to provide fuel, &c., to 190 men of the Royal Scots	Dec. 24, 1760.
349	1759-60	17	Vote accepting report of committee on the Governor's speech	Jan. 25, 1760.
349	1759-60	17	Vote directing that notes by the treasurer, to lenders of money for bounties, bear date Feb. 13, 1760	Feb. 13, 1760.
349	1759-60	22	Order on the petition of Elnathan Rew and others that the petitioners be annexed to the upper parish of Sheffield	Jan. 21, 1760.
350	1759-60	23	Order granting liberty to the committee of Kennebec Purchase, petitioners, to bring in a bill	Jan. 30, 1760.
351	1759-60	25	Order appointing a joint committee on the petition of William Stoddard and others, late directors of the Land Bank, &c	Jan. 4, 1760.
351	1759-60	25	Vote accepting report of the committee on the Land Bank, and appointing managers thereof	Feb. 8, 1760.
351	1759-60	25	Vote authorizing the managers of the Land-Bank lottery to take unsold tickets and to account for the same as therein directed	June 12, 1760.
351	1759-60	25	Order appointing a joint committee on the petition of Samuel Stevens, partner in the late Land Bank	Apr. 17, 1761.
352	1759-60	25	Order substituting John Newman for Jerathmeel Bowers on the committee upon the petition of Samuel Stevens	Apr. 20, 1761.
352	1759-60	25	Order accepting report of the committee on the petition of Samuel Stevens that the consideration thereof be referred to the next session	Apr. 21, 1761.
352	1759-60	25	Order reviving the petition of Samuel Stevens and appointing a new joint committee thereon	July 7, 1761.
352	1759-60	25	Order extending the time for carrying on the Land-Bank lottery and directing the commissioners to suspend their assessments	Nov. 25, 1761.
354	1759-60	28	Vote choosing collectors of excise	Mar. 25, 1760.
354	1759-60	28	Order granting Daniel Epes, Jr., collector of excise, one per cent additional	June 11, 1760.
354	1759-60	28	Order remitting £5, 6*s.* 8*d.*, excise, to Matthew Patten	Dec. 22, 1760.
355	1759-60	28	Vote empowering Daniel Clark to finish his collections in the county of York notwithstanding the division of said county	Jan. 10, 1761.
355	1759-60	28	Vote exempting Jonathan White from penalties, upon his paying excise	Jan. 14, 1761.
355	1759-60	28	Order granting John Cushing, Jr., collector of excise, one per cent additional	Jan. 17, 1761.
355	1759-60	28	Vote granting John Remington, collector of excise, one per cent additional	Jan. 19, 1761.
355	1759-60	28	Vote choosing collectors of excise	Mar. 26, 1761.
356	1759-60	28	Vote exempting John Larrabee from the payment of excise on liquors sold at Castle William	Apr. 18, 1761.
356	1759-60	28	Order remitting province's part of fines laid on Jacob Joy	Feb. 6, 1762.
356	1759-60	28	Order discharging Samuel Lee from the province's part of the penalty for sale of liquors	June 15, 1762.
357	1759-60	28	Order discharging Joseph Clark from the province's part of the penalty for sale of liquors	June 15, 1762.
357	1759-60	28	Order discharging James Saxton from the province's part of the penalty for sale of liquors	June 15, 1762

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Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
357	1759-60 .	30 . .	Vote appointing joint committee on the Governor's message	Mar. 25, 1760.
357	1759-60 .	30 . .	Order appointing a joint committee on the petition of Charles Paxton	Apr. 24, 1760.
357	1759-60 .	30 . .	Order directing the committee above named to sit forthwith	Apr. 24, 1760.
357	1759-60 .	30 . .	Order accepting report of committee on the petition of Charles Paxton, and dismissing said petition,	Apr. 25, 1760.
358	1759-60 .	30 . .	Order empowering the committee appointed to lay out streets in Boston, to make the alteration asked for in the petition of James Dalton, and also to consider the petition of Francis Borland and others	Dec. 27, 1760.
358	1759-60 .	31 . .	Order of notice on a petition of Cornelius Tarbell .	Jan. 12, 1759.
358	1759-60 .	31 . .	Order referring to a joint committee, the petition of Cornelius Tarbell and the answer of Ebenezer Nourse and others	Mar. 19, 1759.
358	1759-60 .	31 . .	Order accepting the report of the committee and granting leave to Cornelius Tarbell to bring in a bill,	Mar. 23, 1759.
359	1759-60 .	31 . .	Order of notice on the petition of John Turner . .	Feb. 13, 1759.
359	1759-60 .	31 . .	Order referring to a joint committee, the petition of John Turner and the answer of Timothy Fuller	Mar. 9, 1759.
359	1759-60 .	31 . .	Order referring consideration of the petition of John Turner to the next session	Mar. 23, 1759.
360	1759-60 .	35 . .	Order granting leave to Daniel Farnham to bring in a bill for a lottery, &c.	Apr. 18, 1760.
360	1759-60 .	38 . .	Order of notice on the petition of Nathaniel Bartlett and others	Jan. 9, 1760.
360	1759-60 .	38 . .	Order granting leave to Nathaniel Bartlett and others to bring in a bill	Apr. 18, 1760.
361	1759-60 .	39 . .	Order of notice on the petition of James Merick and others	June 7, 1759.
361	1759-60 .	39 . .	Order appointing a joint committee on the last named petition and the answer thereto	Jan. 14, 1760.
361	1759-60 .	39 . .	Order accepting a report of the committee and dismissing the above petition	Jan. 17, 1760.
361	1759-60 .	39 . .	Order referring to a joint committee, the petition of the inhabitants of the westerly part of Brimfield	Apr. 19, 1760.
361	1759-60 .	39 . .	Order accepting report of committee and granting petitioners liberty to bring in a bill . .	Apr. 22, 1760.
362	1759-60 .	39 . .	Order of notice to proprietors on the petition of the district of Monson	June 12, 1762.
362	1759-60 .	39 . .	Order of notice to non-resident proprietors, on the petition of the district of Monson . . .	Jan. 13, 1763.
362	1759-60 .	40 . .	Vote for enlisting 500 men to relieve the forces at Louisbourg, &c., and providing for their pay, bounty, transportation, &c., and for the appointment of officers therefor	Apr. 26, 1760.
438	1760-61 .	3 . .	Vote directing the secretary to prepare a copy of a letter to Mr. Agent Bollan	June 20, 1760.
438	1760-61 .	7 . .	Order appointing a joint committee on the petition of the town of Falmouth for the division of the county of York	Jan. 22, 1760.
438	1760-61 .	7 . .	Order of notice on the petition last named to the towns and districts in the county of York .	Feb. 13, 1760.
438	1760-61 .	7 . .	Vote appointing a joint committee on dividing the county of York	June 10, 1760.
439	1760-61 .	7 . .	Order dismissing the petition of the selectmen of Brunswick for defining the bounds of the county of Cumberland	June 16, 1761.
440	1760-61 .	10 . .	Order to the secretary to prepare a draught of instructions to Mr. Agent Trecothick	June 20, 1760.
440	1760-61 .	11 . .	Vote granting £1,100 to the town of Boston in lieu of abatement of tax on account of their losses by fire	June 19, 1760
440	1760-61 .	11 . .	Order directing stay of execution against John Sherman for £4, 19*s.* 3*d.* tax	Dec. 27, 1760

Votes and Orders—Continued.

Page	Acts relating to the general subject-matter: Year.	Chapter.	Subject of the vote, etc.	Date.
440	1760-61 .	11 . .	Order granting £10 in remission of a fine on the town of Raynham	Dec. 27, 1760.
441	1760-61 .	11 . .	Vote empowering Nehemiah Curtis and John Snow to collect taxes in Harpswell	Dec. 31, 1760.
441	1760-61 .	11 . .	Vote confirming the choice of Abiel Sadler as constable of Upton	Jan. 23, 1761.
441	1760-61 .	11 . .	Order granting £10 in remission of a fine on the town of Falmouth	Feb. 6, 1762.
441	1760-61 .	11 . .	Order granting £12 in remission of a fine on the town of Hardwick	Feb. 9, 1762.
441	1760-61 .	11 . .	Vote confirming sales of land by the assessors of Falltown	Mar. 3, 1762.
442	1760-61 .	11 . .	Order discharging the constables of Wrentham from 1751 to 1760, from taxes assessed on polls and estates set off to Rhode Island . . .	Jan. 22, 1763.
442	1760-61 .	14 . .	Vote granting £300 to Governor Bernard . .	Aug. 15, 1760.
442	1760-61 .	15 . .	Order declaring void certain lottery tickets . . .	Jan. 22, 1761.
442	1760-61 .	16 . .	Vote appointing a joint committee on the Governor's speech	Oct. 4, 1759.
443	1760-61 .	16 . .	Order referring to the joint committee on the Governor's speech, petitions of Edmund Quincy and others	Oct. 4, 1759.
443	1760-61 .	16 . .	Order referring to the next session, the petition of Jeremiah and Samuel Osborne, and exempting the petitioners from arrest, &c., in the mean time	Nov. 8, 1759.
443	1760-61 .	16 . .	Order referring to the next session, the petition of Edmund Quincy and others, and exempting the petitioners from arrest, &c., in the mean time	Nov. 8, 1759.
443	1760-61 .	16 . .	Order referring to the next session, the petition of Stephen Whiting, and exempting the petitioner from arrest, &c., in the mean time .	Nov. 8, 1759.
444	1760-61 .	16 . .	Order referring to a joint committee, the petition of John Phillips, Jr.	Jan. 4, 1760.
444	1760-61 .	16 . .	Order referring to the next session, the petition of Edmund Quincy and others, and exempting the petitioners from arrest, &c., in the mean time	Jan. 10, 1760.
444	1760-61 .	16 . .	Order referring to the next session, the petition of Jeremiah and Samuel Osborne, and exempting the petitioners from arrest, &c., in the mean time	Jan. 10, 1760.
444	1760-61 .	16 . .	Order referring to the next session, the petition of Stephen Whiting, and exempting the petitioner from arrest, &c., in the mean time .	Jan. 10, 1760.
444	1760-61 .	16 . .	Order appointing John Cushing upon the committee on the petition of John Phillips, Jr., in place of Stephen Sewall	Jan. 11, 1760.
444	1760-61 .	16 . .	Order referring the petition of James Haywood to the committee on the petition of John Phillips, Jr.	Jan. 11, 1760.
445	1760-61 .	16 . .	Order referring to the next session, the petition of Enos How, and exempting the petitioner from arrest, &c., in the mean time . . .	Jan. 19, 1760.
445	1760-61 .	16 . .	Order referring to the next session, the report of the committee on the petition of James Haywood, and exempting the petitioner from arrest, &c., in the mean time	Jan. 21, 1760
445	1760-61 .	16 . .	Order referring to the next session, the report of the committee on the petition of John Phillips, Jr., and exempting the petitioner from arrest, &c., in the mean time . . .	Jan. 22, 1760
445	1760-61 .	16 . .	Order referring to the next session, the report of the committee on the petition of Thomas Walker, and exempting the petitioner from arrest, &c., in the mean time	Jan. 23, 1760.
445	1760-61 .	16 . .	Order referring to a joint committee, the petition of Archibald Laws	Mar. 22, 1760.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
445	1760-61	16	Order referring to the next session, the report of the committee on the petition of Archibald Laws, and exempting the petitioner from arrest, &c., in the mean time	Mar. 26, 1760.
445	1760-61	16	Order referring to the next session, the petitions of bankrupts, and exempting the petitioners from arrest, &c., in the mean time	Mar. 26, 1760.
446	1760-61	16	Votes referring to the next session, the petitions of Thomas Cooper and Joseph Grant, and exempting the petitioners from arrest, &c., in the mean time	Apr. 22, 1760.
446	1760-61	16	Vote ordering the continuance of actions against commissioners, assignees, and former debtors, of bankrupts, until the next session of the General Court	Apr. 24, 1760.
446	1760-61	16	Vote ordering the continuance of actions against commissioners, assignees, and former debtors, of bankrupts, until the next session of the General Court	June 4, 1760.
446	1760-61	16	Vote ordering the continuance of actions against commissioners, assignees, and former debtors, of bankrupts, until the next session of the General Court	Aug. 15, 1760.
448	1760-61	17	Vote appointing a joint committee to bring in a bill	Jan. 26, 1761.
448	1760-61	17	Order directing Jedidiah Preble and William Lithgow to carry on the truck trade, &c.	Jan. 31, 1761.
449	1760-61	20	Order appointing a joint committee to revise the sabbath laws	Dec. 18, 1760.
449	1760-61	20	Order directing the secretary to cause the bill for the due observance of the Lord's Day to be printed and distributed	Jan. 28, 1761.
449	1760-61	22	Order directing Samuel Parris to hold unsold lottery tickets for the benefit of the town of Sudbury and to repair causeway, &c., with the profits thereof	Nov. 19, 1761.
449	1760-61	22	Order directing Samuel Parris to hold unsold lottery tickets for the benefit of the town of Sudbury and to repair causeway, &c., with the profits thereof	Jan. 16, 1762.
450	1760-61	32	Order on the petition of Jacob Wendell appointing a joint committee to view and make report upon the streets in that part of Boston destroyed by fire	Apr. 6, 1761.
450	1760-61	32	Order accepting the report of the committee last named, and granting leave to the petitioners to bring in a bill	Apr. 16, 1761.
450	1760-61	33	Order of notice on the petition of sundry towns in the county of Hampshire, for the division of said county	Jan 15, 1761.
450	1760-61	33	Order appointing a joint committee on the petition last named	Apr. 8, 1761.
450	1760-61	33	Order enlarging said committee	Apr. 9, 1761.
450	1760-61	33	Vote accepting the report of said committee	Apr. 14, 1761.
450	1760-61	33	Vote appointing Mark Hopkins, treasurer of the county of Berkshire	Feb. 8, 1762.
451	1760-61	34	Order appointing a joint committee to bring in bills, incorporating sundry towns	Apr. 7, 1761.
542	1761-62	3	Order appointing a joint committee to report amendments to the bill for drawing into the treasury the province's share of the parliamentary grant, and accepting the report of said committee	Apr. 21, 1761.
542	1761-62	3	Order directing the secretary to write to Mr. Agent Bollan to apply parliamentary grant to the payment of bills of exchange	July 11, 1761.
543	1761-62	6	Vote empowering the precincts of Rehoboth to sell and re-invest the proceeds of ministry lands	Mar. 28, 1760.
543	1761-62	6	Vote granting leave for bringing in a bill for investing money for the support of the ministry, in the second precinct of Rehoboth	June 19, 1761.

Votes and Orders—Continued.

Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
543	1761-62 .	7 . .	Order appointing a joint committee on the petition of Coldspring	Apr. 4, 1761.
543	1761-62 .	7 . .	Order on the petition of Coldspring granting the petitioners leave to bring in a bill	Apr. 16, 1761.
543	1761-62 .	8 . .	Order of notice on the petition of the town of Shutesbury	Nov. 26, 1761.
543	1761-62 .	8 . .	Order laying a tax of one penny per acre for seven years on the unimproved lands of Shutesbury.	Jan. 27, 1762.
544	1761-62 .	8 . .	Order explaining the order of Jan. 27, 1762, laying a tax on unimproved lands in Shutesbury .	Feb. 8, 1763.
544	1761-62 .	11 . .	Order on the petition of the town of Hingham granting the petitioners leave to bring in a bill,	Apr. 8, 1761. Apr. 16, 1761.
544	1761-62 .	13 . .	Order of notice to the town of Sudbury, on the petition of Ebenezer Roby and others of the east congregation of Sudbury	June 27, 1761.
545	1761-62 .	17 . .	Vote remitting £31, 1*s.* 7*d.* tax, to the town of Rutland and adding the same to the tax on Princetown for the year 1762	Nov. 24, 1761.
545	1761-62 .	17 . .	Order taking off £21, 9*s.* 8½*d.* from the tax on Natick and adding the same to the tax on Needham,	Nov. 26, 1761.
545	1761-62 .	17 . .	Order that £132, 5*s.* 5*d.* be assessed on Sunderland instead of £207, 5*s.* 5*d.*	Feb. 2, 1762.
545	1761-62 .	17 . .	Order that £253, 15*s.* be assessed on Brooklyn instead of £361, 5*s.*	Feb. 16, 1762.
545	1761-62 .	17 . .	Order fixing the rate of assessment on the towns of Brooklyn and Sunderland	Feb. 16, 1762.
546	1761-62 .	18 . .	Order of notice to the non-resident proprietors of Ware-River parish	June 2, 1761.
546	1761-62 .	18 . .	Order on the foregoing petition granting leave to the petitioners to bring in a bill	Nov. 17, 1761.
546	1761-62 .	20 . .	Order granting the petition of the proprietors of Phillipstown and giving them leave to bring in a bill	June 4, 1761.
546	1761-62 .	20 . .	Order referring to the next session, the consideration of the bill to annul a division of common lands in Phillipstown, and directing public notice to be given thereof	July 9, 1761.
546	1761-62 .	20 . .	Vote for engrossing the above-named act . . .	Nov. 26, 1761.
546	1761-62 .	21 . .	Order appointing a joint committee to bring in a bill .	Nov. 17, 1761.
546	1761-62 .	21 . .	Order referring to the committee last named, the petition of Edward Hartwell and others . .	Nov. 25, 1761.
546	1761-62 .	23 . .	Order appointing a joint committee on the Governor's speech	Jan. 14, 1762.
547	1761-62 .	24 . .	Vote choosing collectors of excise	Feb. 5, 1762.
547	1761-62 .	24 . .	Vote choosing collectors of excise	Jan. 26, 1763.
547	1761-62 .	24 . .	Vote choosing collector of excise for the county of York	May 28, 1763.
548	1761-62 .	24 . .	Order remitting province's part of fine laid on Thomas Merryman	June 3, 1763.
548	1761-62 .	24 . .	Order remitting fine on, and authorizing collector to discontinue suit against, Eliakim Sacket .	Jan. 13, 1764.
548	1761-62 .	24 . .	Vote choosing collectors of excise	Jan. 18, 1764.
548	1761-62 .	24 . .	Order empowering the General Sessions in Essex County, to grant a license to William Vans .	Nov. 1, 1764.
548	1761-62 .	24 . .	Order empowering the General Sessions in Essex County, to grant licenses to Benjamin Osgood and John Felt	Nov. 2, 1764
549	1761-62 .	24 . .	Order empowering the General Sessions in Middlesex County, to grant a license to Hugh Floyd .	Jan. 25, 1765.
549	1761-62 .	24 . .	Order empowering the General Sessions in Suffolk County, to grant a license to David Thompson,	Feb. 15, 1765.
549	1761-62 .	25 . .	Vote choosing James Russell commissioner of impost	Feb. 5, 1762.
549	1761-62 .	26 . .	Order granting liberty to Benjamin Lynde and others to bring in a bill	Jan. 22, 1762.
55	1761-62 .	28 and 29,	Order appointing a joint committee to consider the Governor's speech and message . . .	Nov. 19, 1761.
558	1761-62 .	28 and 29,	Order granting £10 to John Worthington for his services as attorney for the Crown . . .	Feb. 12, 1762.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
559	1761-62 .	28 and 29,	Vote choosing three persons to countersign the treasurer's notes	Feb. 23, 1762.
559	1761-62 .	28 and 29,	Order voting pay to the persons chosen to countersign the treasurer's notes	Feb. 23, 1762.
559	1761-62 .	28 and 29,	Order granting £37, 8s. to John Ryder to reimburse him for money paid on a forged receipt of the treasurer	Apr. 20, 1762.
560	1761-62 .	30 . .	Order appointing a joint committee on the petition of Timothy Walker and others, assessors of the first parish of Rehoboth	Nov. 18, 1761.
560	1761-62 .	30 . .	Order accepting the report of the committee on the petition of Timothy Walker and others, and ratifying votes and doings of the first parish in Rehoboth, and empowering the assessors of the said first parish to assess certain taxes	Nov. 20, 1761.
561	1761-62 .	32 . .	Vote accepting the report of the joint committee on the affair of the Mohawks, &c. . . .	Oct. 9, 1751.
561	1761-62 .	32 . .	Order appointing a joint committee to report a plan for redeeming captives in the hands of the French and Indians, and for encouraging the propagation of the gospel among the Indians	May 29, 1761.
562	1761-62 .	32 . .	Order appointing a joint committee on the petition of Eleazer Wheelock	Nov. 14, 1761.
562	1761-62 .	32 . .	Vote allowing Eleazer Wheelock to board, clothe, and educate, six Indian children, and defraying the expense thereof	Nov. 23, 1761.
562	1761-62 .	32 . .	Order granting liberty to Andrew Oliver and others to bring in a bill	Jan. 20, 1762.
563	1761-62 .	32 . .	Order appointing a joint committee on the memorials of Eleazer Wheelock and others . . .	Jan. 21, 1763.
564	1761-62 .	33 . .	Order of notice to the town of Edgartown upon the petition of Tisbury and Chilmark . . .	Nov. 20, 1761.
564	1761-62 .	33 . .	Order appointing a joint committee upon the above petition and the answer of the town of Edgartown	Jan. 22, 1762.
564	1761-62 .	33 . .	Order substituting John Choate, for Benjamin Lynde, on the last named committee	Feb. 6, 1762.
565	1761-62 .	33 . .	Vote accepting report of the committee on the petition of Tisbury and Chilmark and granting the petitioners leave to bring in a bill . . .	Feb. 9, 1762.
565	1761-62 .	34 . .	Order adjourning the terms of the court of sessions and the court of common pleas in the county of Hampshire	Feb. 11, 1762.
565	1761-62 .	36 . .	Order appointing a joint committee upon the petition of inhabitants of Biddeford	Mar. 27, 1761.
565	1761-62 .	36 . .	Order referring the consideration of the report of the committee upon the petition of inhabitants of Biddeford, to the next session, and directing that notice thereof be published . .	Apr. 15, 1761.
565	1761-62 .	36 . .	Order appointing a joint committee upon the petition of inhabitants of Biddeford	June 11, 1761.
566	1761-62 .	36 . .	Order accepting the report of said committee and directing notice of the petition of Biddeford, to be given to the several towns in the county of York	June 13, 1761.
566	1761-62 .	36 . .	Order of notice upon the petition of the town of Wells	June 16, 1761.
566	1761-62 .	36 . .	Order reviving the petition of the town of Wells and referring to a joint committee, said petition with the answers thereto	Feb. 10, 1762.
566	1761-62 .	36 . .	Order reviving the petition of the town of Biddeford and referring to a joint committee, said petition with the answers thereto	Feb. 11, 1762.
566	1761-62 .	39 . .	Vote for engrossing the bill for granting bounties upon wheat and flour	Feb. 20, 1762.
566	1761-62 .	45 . .	Order of notice upon the petition of the town of Templeton	Jan. 24, 1763.

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Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
567	1761-62 .	45 . .	Order imposing taxes upon lands in the town of Templeton	June 10, 1763.
567	1761-62 .	47 . .	Order of notice on the petition of a committee of the town and proprietors of Tyringham . .	Feb. 1, 1763.
568	1761-62 .	48 . .	Vote choosing Jasper Mauduit agent for the province at the court of Great Britain	Apr. 23, 1762.
568	1761-62 .	48 . .	Order appointing a joint committee to prepare instructions for the agent	Apr. 23, 1762.
568	1761-62 .	48 . .	Order accepting the report of the committee last named and directing that three copies of letters to Messrs. Mauduit, Bollan and Jackson, be made and transmitted	Apr. 24, 1762.
625	1762-63 .	2 . .	Order appointing a joint committee upon the petition of the west wing of Rutland	Nov. 18, 1761.
625	1762-63 .	2 . .	Order accepting report of the committee upon the petition of the west wing of Rutland and authorizing the assessment of taxes upon the lands of non-resident proprietors, &c. . .	Nov. 25, 1761.
625	1762-63 .	4 . .	Order annexing lands to the town of Chesterfield	Jan. 31, 1763.
625	1762-63 .	6 . .	Order granting £90 to Charles Harrison, with interest thereon until June 29, 1764	June 21, 1765.
626	1762-63 .	8 . .	Order of notice upon the petition of the inhabitants of New Marblehead	Jan. 15, 1759.
626	1762-63 .	8 . .	Order referring to a joint committee, the petition of the grantees of New Marblehead . . .	Jan. 8, 1761.
626	1762-63 .	8 . .	Order accepting the report of the committee on the petition of the grantees of New Marblehead, and appointing a joint committee to run boundary lines	Jan. 20, 1761.
627	1762-63 .	8 . .	Vote directing the committee appointed to run the lines of Biddeford, Scarborough and Falmouth, &c., and to fix the bounds of New Marblehead, &c.	Apr. 21, 1762.
627	1762-63 .	8 . .	Order accepting the report of a committee and establishing the bounds of New Marblehead, &c.	Feb. 10, 1763.
628	1762-63 .	8 . .	Order for paying the expense of the committee appointed to fix the bounds of nine townships, in the counties of York and Cumberland .	Feb. 15, 1763
630	1762-63 .	10 . .	Vote accepting the report of a committee and appointing a joint committee to prepare accounts and instructions	June 18, 1760.
630	1762-63 .	10 . .	Order appointing Samuel Watts on said committee in place of John Osborne	June 18, 1760.
630	1762-63 .	10 . .	Vote requesting the Lieut. Governor to employ some person to prepare accounts, to be sent to the agent, and to have them and other papers forwarded by the secretary; and that he cause a separate account of the expenses of the troops employed at Louisbourg and Nova Scotia, to be prepared and transmitted . .	June 19, 1760.
631	1762-63 .	11 . .	Vote reviving and continuing for three months the power of the managers of the lottery . .	June 3, 1763.
631	1762-63 .	11 . .	Vote and order postponing the drawing of the third class in the Land-bank lottery, and empowering the commissioners to hire money in case of a deficiency	Sept. 9, 1762.
631	1762-63 .	12 . .	Order granting £8 per year to the town of Truro to repair their beaches and fences	Jan. 18, 1763.
631	1762-63 .	12 . .	Order for taking £21, 9*s.* 8½*d.* from the tax on Natick for the year 1762, and adding the same to the tax on Needham	Jan. 20, 1763.
632	1762-63 .	12 . .	Order remitting the fine of £10 laid on Sunderland and Montague	May 31, 1763.
632	1762-63 .	12 . .	Order remitting fine and granting £9, 15*s.* 5*d.* to Hopkinton	June 1, 1763.
632	1762-63 .	12 . .	Order remitting fine and granting £15 to the town of Scarborough	June 4, 1764.
633	1762-63 .	17 . .	Order granting province lands in the town of Warwick, to the proprietors of Roxbury-Canada.	Dec. 28, 1763.

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Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
633	1762-63 .	19 . .	Order granting leave to William Torrey and others to bring in a bill	Feb. 23, 1762.
633	1762-63 .	20 . .	Vote choosing James Russell collector of impost .	Jan. 26, 1763.
633	1762-63 .	22 . .	Order directing assessors of Dartmouth and Chilmark to assess all cattle found and usually kept within the bounds of their respective townships	Jan. 21, 1763.
634	1762-63 .	23 . .	Vote appointing a joint committee to devise a method for preventing fires, from throwing squibs .	Sept. 17, 1762.
634	1762-63 .	24 . .	Order appointing a joint committee to prepare a bill .	Feb. 9, 1763.
634	1762-63 .	25 . .	Vote appointing a joint committee on the Governor's message	Dec. 23, 1760.
634	1762-63 .	25 . .	Order accepting report and appointing a committee upon injuries to the Indians of Martha's Vineyard	Mar. 27, 1761.
634	1762-63 .	25 . .	Order accepting report of committee last named and appointing a committee to receive deeds, and establish boundaries, of lands of praying Indians	Jan. 25, 1762.
635	1762-63 .	25 . .	Order accepting report of committee last named and appointing a committee to prepare a bill, and directing the secretary to record the deed, &c.	Feb. 15, 1763.
635	1762-63 .	26 . .	Order appointing a joint committee to consider and report upon the petition of Edward Wing .	Feb. 11, 1763.
635	1762-63 .	26 . .	Vote on the report of the committee last named .	Feb. 11, 1763.
635	1762-63 .	26 . .	Order on the petition of Edward Wing, and the answer thereto of Elisha Brown and Lot Nye . .	June 3, 1763.
636	1762-63 .	26 . .	Order granting Phineas Lovet £48, 12*s.* 3*d.* for his expense in defending an action	Feb. 26, 1767.
691	1763-64 .	2 . .	Vote choosing a collector of excise for the county of York	May 28, 1763.
691	1763-64 .	3 . .	Order referring the complaint of Reuben Cognehew and others to the committee appointed to visit the Indians; and deferring the report of the committee appointed to bring in a bill amending the laws for the better regulating the Indians	June 18, 1761.
692	1763-64 .	3 . .	Order reviving the report of the committee on the petition of the Mashpee Indians, and for notifying Mr. Hawley of a hearing thereon . .	Feb. 21, 1763.
692	1763-64 .	3 . .	Order appointing a joint committee to bring in a bill for the better regulation of the Mashpee Indians, and referring to them the report of a former committee	May 30, 1763.
692	1763-64 .	3 . .	Order granting a petition of Solomon Bryant and others, and allowing to them £3, 12*s.* 8*d.* to defray their expenses	May 31, 1763.
693	1763-64 .	4 . .	Order empowering the general sessions for the county of Barnstable to grant a license to Joseph Doane	Oct. 20, 1764.
693	1763-64 .	10 . .	Order referring to the next session, the petition of Joseph Williams, and directing public notice, and suspending assessments in the mean time	June 15, 1762.
693	1763-64 .	10 . .	Order referring to the next session, the petition of Joseph Williams, and suspending assessments in the mean time	Sept. 17, 1762.
693	1763-64 .	10 . .	Order of notice on the petition of Eldad Taylor, and suspending assessments in the mean time	June 14, 1762.
693	1763-64 .	10 . .	Order referring to the next session, the petition of Eldad Taylor, and suspending assessments in the mean time	Sept. 17, 1762.
694	1763-64 .	10 . .	Order apportioning the expenses of the committee appointed to establish boundaries of townships in the counties of York and Cumberland .	Feb. 15, 1763.
695	1763-64 .	10 . .	Order remitting a fine and granting £15 to the town of Leicester, &c.	June 7, 1764.

Votes and Orders—Continued.

Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
696	1763-64 .	10 . .	Order of notice on the petition of Bernardston . .	June 15, 1764.
696	1763-64 .	10 . .	Order of notice on the petition of Dorchester-Canada.	Mar. 1, 1765.
696	1763-64 .	10 . .	Order remitting fine and granting £10 to the town of Topsfield	Mar. 5, 1765.
696	1763-64 .	12 . .	Order referring to a joint committee, a memorial of John Choate and others	Feb. 4, 1763.
696	1763-64 .	12 . .	Vote accepting report of committee last named and ordering notice to the administratrix of Daniel Appleton	Feb. 10, 1763.
696	1763-64 .	12 . .	Order appointing a joint committee to prepare a bill .	June 2, 1763.
697	1763-64 .	15 . .	Order of notice on the petition of Elisha Doane and others	Jan. 20, 1763.
697	1763-64 .	15 . .	Order appointing a joint committee on the petition last named, and the answer thereto . .	June 3, 1763.
697	1763-64 .	15 . .	Order granting the petitioners, liberty to bring in a bill	June 7, 1763.
697	1763-64 .	17 . .	Order referring a petition to a joint committee of inhabitants of Boston, &c.	Jan. 24, 1764.
698	1763-64 .	19 . .	Vote for choosing a commissioner of impost . . .	Jan. 18, 1764.
698	1763-64 .	20 . .	Order of notice on the petition of inhabitants of "The Waterside" in Newbury	June 10, 1763.
698	1763-64 .	20 . .	Order of notice on the petition of inhabitants of the westerly part of Newbury	June 10, 1763.
698	1763-64 .	20 . .	Order referring to a joint committee the petition of inhabitants of Newbury and the answer thereto	Jan. 3, 1764.
698	1763-64 .	20 . .	Order accepting the report of the committee last named, and appointing a joint committee to view the premises, and report	Jan. 6, 1764
698	1763-64 .	20 . .	Order accepting the report of the committee last named, and directing them to bring in a bill .	Jan. 20, 1764.
699	1763-64 .	24 . .	Order for a hearing on the petition of Konkopot and others	May 31, 1762.
699	1763-64 .	24 . .	Order appointing a joint committee to inquire further into the Indians' title to lands, &c. . . .	May 31, 1762.
700	1763-64 .	24 . .	Order accepting the report of the committee on the petition of the Stockbridge Indians . .	June 1, 1762.
700	1763-64 .	24 . .	Order granting £1,000 to the use of the Stockbridge Indians, on condition, &c.	June 2, 1762.
701	1763-64 .	24 . .	Order directing the deed from the Stockbridge Indians, to be recorded, &c.	Feb. 22, 1763.
701	1763-64 .	28 . .	Order appointing a joint committee to consolidate the laws for the preservation of deer and moose,	Dec. 23, 1763.
702	1763-64 .	32 . .	Order allowing 5 per cent to truck-masters . . .	Oct. 23, 1764.
782	1764-65 .	3 . .	Order affirming the vote granting £26, 12s. to New Salem and adding the same to the tax on Sunderland and Montague	Jan. 7, 1764.
783	1764-65 .	3 . .	Order of notice on the memorial of the selectmen of Sunderland, and suspending the order to lay an additional tax upon Sunderland and Montague	June 4, 1764.
783	1764-65 .	3 . .	Order remitting the tax laid upon township No. 4, for the year 1764	June 11, 1765.
783	1764-65 .	3 . .	Order suspending the tax on Gorham for the year 1764, and adding the same to that town's tax for the year 1766, and staying execution in the mean time	June 20, 1765.
783	1764-65 .	3 . .	Order referring the petition of Bernardston, to the next session, and staying the collection of taxes in the mean time	June 15, 1764.
784	1764-65 .	3 . .	Order of notice on the petition of inhabitants of Dorchester-Canada; and directing the petitioners to return a list of their polls and estates, to the General Court at the next May session .	Mar. 1, 1765.
785	1764-65 .	6 . .	Order appointing a joint committee to prepare a general bill relating to highways	June 3, 1763.
785	1764-65 .	7 . .	Order of notice upon the petition of the proprietors of the meeting-house in Newbury where the Rev. Jonathan Parsons officiates . . .	June 7, 1763.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, &c.	Date.
785	1764-65 .	7 . .	Order appointing a joint committee on the petition last named, to hear the parties and report .	Dec. 29, 1763.
785	1764-65 .	8 . .	Order of notice on the petition of the inhabitants of Bernardston	June 10, 1762.
786	1764-65 .	12 . .	Order directing the selectmen of Marblehead to fence across the highway, and empowering the justices of the peace, there, to take other precautions against the small-pox, until the first of June next	Jan. 19, 1764.
786	1764-65 .	12 . .	Vote appointing a joint committee to prepare a bill in addition to the laws already made, for preventing the spread of the small-pox, &c. .	Jan. 21, 1764.
788	1764-65 .	13 . .	Order of notice upon the petition of the inhabitants of Gorhamtown	Dec. 27, 1763.
789	1764-65 .	18 . .	Order of notice on a petition of inhabitants of Leicester and Rutland	June 9, 1761.
789	1764-65 .	18 . .	Order of notice on a petition of inhabitants of Leicester and Rutland	June 10, 1763.
789	1764-65 .	18 . .	Order appointing a joint committee on the petition of the inhabitants of Leicester and Rutland, to view the premises, hear the parties, and report, &c.	June 14, 1764.
789	1764-65 .	18 . .	Order granting petitioners last named, liberty to bring in a bill	Jan. 25, 1765.
789	1764-65 .	20 . .	Order adjourning the general sessions and court of common pleas in the county of York . .	Feb. 4, 1765.
790	1764-65 .	20 . .	Order adjourning the general sessions and court of common pleas in the county of Berkshire .	Feb. 15, 1765.
790	1764-65 .	21 . .	Order on the petition of the proprietors of Royalshire, granting them liberty to bring in a bill . .	Jan. 28, 1765.
791	1764-65 .	28 . .	Order appointing a joint committee upon the Governor's message	June 3, 1763.
791	1764-65 .	28 . .	Order accepting the report of the committee last named	June 3, 1763.
792	1764-65 .	29 . .	Vote choosing collectors of excise	Jan. 31, 1765.
792	1764-65 .	29 . .	Order remitting excise to Hewit Root	June 12, 1765.
793	1764-65 .	31 . .	Order appointing a joint committee to bring in a bill making further provision for the care of persons neglecting their families and estates,	June 3, 1763.
793	1764-65 .	34 . .	Order appointing a joint committee to consolidate the laws relating to the preservation of alewives and other fish	Dec. 23, 1763.
793	1764-65 .	35 . .	Order appointing a joint committee to prepare a bill for the more equal distribution of the estates of absconding debtors, &c.	Jan. 22, 1765.
793	1764-65 .	35 . .	Order appointing a joint committee on the bill for preventing fraud in debtors, &c.	Mar. 6, 1765.
861	1765-66 .	3 . .	Order appointing a joint committee on the petition of the proprietors of Athol	June 3, 1763.
861	1765-66 .	3 . .	Order accepting the report of the committee last named, and directing notice to be served upon the proprietor's clerk	June 9, 1763.
861	1765-66 .	3 . .	Order referring to a joint committee, the petition of the proprietors of Athol, and the answer thereto,	Dec. 30, 1763.
861	1765-66 .	3 . .	Order accepting the report of the committee last named, and directing Abraham Hill, with assistance, to complete the records . . .	Jan. 6, 1764.
862	1765-66 .	3 . .	Order referring to a joint committee, the petition of the proprietors of Athol	June 6, 1765.
862	1765-66 .	3 . .	Order on a petition of the proprietors of Athol, granting them leave to bring in a bill . . .	June 8, 1765.
862	1765-66 .	6 . .	Order accepting the report of a committee on the petition of Joseph Hewins, Jr., and others, and erecting lands in Stoughton into a separate precinct	July 2, 1740.
863	1765-66 .	13 . .	Vote appointing a joint committee to lay out a township, on the petition of Ebenezer Hunt and others	Dec. 5, 1735. Jan. 6, 1735-6.
864	1765-65 .	13 . .	Order of notice on the petition of Edmund Quincy .	Dec. 24, 1736.

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Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
864	1765-66 .	13 . .	Order accepting the plat of a township laid out upon the petition of Ephraim Hunt and others .	Jan. 19, 1736.
864	1765-66 .	13 . .	Order of notice on the petition of the proprietors of Huntstown	Jan. 25, 1763.
864	1765-66 .	13 . .	Order appointing a joint committee on the memorial of the proprietors of Huntstown . . .	Jan. 26, 1763.
864	1765-66 .	13 . .	Order substituting James Otis for William Brattle on the committee last named	Jan. 27, 1763.
865	1765-66 .	13 . .	Order appointing a joint committee to run the boundary lines of Huntstown	Jan. 28, 1763.
865	1765-66 .	13 . .	Vote accepting a plan of Huntstown and confirming the titles of the proprietors	June 18, 1765.
866	1765-66 .	18 . .	Order remitting fine and granting £10 to Uxbridge .	June 24, 1766.
867	1765-66 .	18 . .	Order referring the petition of Tyringham to the next May session	Mar. 9, 1767.
867	1765-66 .	20 . .	Order appointing a joint committee on the petition of Plymouth to view the premises and report .	Feb. 6, 1762.
867	1765-66 .	20 . .	Order rejecting the report of the committee last named, and dismissing the petition . .	Feb. 11, 1763.
869	1765-66 .	22 . .	Order enabling the proprietors of Windham to exchange land with Rev. Peter Thacher Smith .	Jan. 20, 1764.
869	1765-66 .	23 . .	Order on the petition of the proprietors of Murrayfield, granting them liberty to bring in a bill	June 2, 1764.
871	1765-66 .	25 . .	Order of notice to the second parish in Falmouth, on the petition of Ezekiel Cushing and others .	June 7, 1759
871	1765-66 .	25 . .	Order appointing a joint committee on the petition last named, and the answer thereto . .	Jan. 15, 1760
872	1765-66 .	25 . .	Order of notice to the first parish in Falmouth, on the petition of Ezekiel Cushing and others .	Feb. 15, 1765
872	1765-66 .	25 . .	Order of notice on the petition of the inhabitants of Cape Elizabeth	Feb. 25, 1767.
872	1765-66 .	25 . .	Order referring to a joint committee, the petition of Cape Elizabeth and the answer thereto . .	June 20, 1767.
872	1765-66 .	25 . .	Order accepting a report of the committee on the petition of the selectmen of Cape Elizabeth, and the answer thereto	June 25, 1767
873	1765-66 .	25 . .	Order referring to a joint committee, the petitions of the first parish in Falmouth, and of the selectmen of Cape Elizabeth	Apr. 17, 1771.
874	1765-66 .	26 . .	Order of notice on the petition of the selectmen of Northborough	Feb. 5, 1768.
874	1765-66 .	28 . .	Vote choosing collectors of excise	Feb. 11, 1766.
875	1765-66 .	29 . .	Vote choosing commissioner of impost	Feb. 11, 1766
875	1765-66 .	31 . .	Order appointing a joint committee on the petition of South Brimfield, to view the premises, and report at the next session	June 7, 1764.
875	1765-66 .	31 . .	Order referring to a joint committee, the report of the committee last named, and the answers thereto	Oct. 27, 1764.
875	1765-66 .	31 . .	Order accepting the report last mentioned, and declaring void certain taxes of South Brimfield, and directing the collectors to proceed no further	Nov. 2, 1764
875	1765-66 .	31 . .	Order referring to a joint committee, the petition of Joseph Blodget and others	Feb. 12, 1765
875	1765-66 .	31 . .	Order referring to a joint committee, the petition of inhabitants of South Brimfield . . .	Jan. 30, 1766
875	1765-66 .	31 . .	Order accepting the report of the committee upon the petition of inhabitants of South Brimfield, and granting the petitioners liberty to bring in a bill	Jan. 31, 1766.
876	1765-66 .	31 . .	Order appointing a joint committee on the petition of Orthodox inhabitants of the west parish in South Brimfield	June 10, 1768
876	1765-66 .	31 . .	Order appointing a joint committee on the petition of the west parish in South Brimfield . . .	June 10, 1768
876	1765-66 .	31 . .	Order dismissing the petition of Orthodox inhabitants of the west parish in South Brimfield .	June 21, 1768

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Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
876	1765-66 .	31 . .	Order dismissing the petition of the west parish in South Brimfield	June 21, 1768.
924	1766-67 .	2 . .	Vote for engrossing the bill	June 14, 1766.
924	1766-67 .	5 . .	Order appointing a joint committee to consider and report upon the expediency of repealing the act, respecting insolvent debtors . . .	Nov. 1, 1765.
925	1766-67 .	5 . .	Order directing the justices of the superior court to issue no warrants of attachment, against absconding debtors, &c., until after the present session, except to those who had already applied	Feb. 21, 1766.
925	1766-67 .	5 . .	Order appointing a joint committee to bring in a bill for the repeal of the bankrupt act . . .	June 17, 1766.
927	1766-67 .	6 . .	Order directing the addition of £25, 17*s.* 1*d.* to the tax of Deerfield	June 18, 1765.
927	1766-67 .	6 . .	Order suspending the collection of the province tax on Gorham, for 1764	June 20, 1765.
929	1766-67 .	8 . .	Order appointing a joint committee on regulating the manufacture of potash	Oct. 19, 1764.
933	1766-67 .	10 . .	Order appointing a joint committee to report on the laws respecting riots, &c.	Oct. 29, 1765.
945	1766-67 .	11 . .	Order referring to a joint committee, the petition of inhabitants, &c., of Richmont . . .	Feb. 21, 1767.
946	1766-67 .	15 . .	Order of notice on the petition of inhabitants of the westerly part of Townshend, &c. . . .	Oct. 25, 1764.
946	1766-67 .	15 . .	Order accepting the report of the committee appointed on the petition of the inhabitants of Townshend, &c., and exempting the petitioners from future taxes, towards building meeting-houses in Fitchburg and Ashburnham . .	June 24, 1765.
948	1766-67 .	17 . .	Order appointing a joint committee, to enquire into the state of the province poor, in Boston .	Jan. 5, 1768.
948	1766-67 .	18 . .	Vote choosing a commissioner of impost . . .	Feb. 12, 1767.
948	1766-67 .	19 . .	Order for choosing commissioners for adjusting the affairs of the Land Bank	Mar. 20, 1767.
948	1766-67 .	21 . .	Order of notice on the petition of Benjamin Hallowell,	June 12, 1764.
949	1766-67 .	21 . .	Order appointing a joint committee, to appraise land, taken for a street in Boston, and to bring in a bill	Feb. 9, 1765.
949	1766-67 .	21 . .	Vote referring the petition of Benjamin Hallowell, to the next session, and directing the committee to prepare a bill in the mean time . . .	June 25, 1765.
994	1767-68 .	2 . .	Order referring to the next session, the petition of George Duncan and others, and ordering notice in the mean time	June 6, 1764.
995	1767-68 .	2 . .	Order of notice to non-residents, upon the petition of inhabitants of Rutland	Feb. 17, 1767.
995	1767-68 .	2 . .	Order on the petition of inhabitants of Rutland, for a tax of one penny per acre, &c., and granting petitioners leave to bring in a bill . . .	June 5, 1767.
995	1767-68 .	8 . .	Order abating taxes on Winchendon and laying the same on other towns	June 10, 1767.
1003	1767-68 .	12 . .	Vote choosing a commissioner of impost . . .	Feb. 11, 1768.
1003	1767-68 .	17 . .	Order of notice on the petition of Samuel Cobb and others	Feb. 24, 1767.
1004	1767-68 .	17 . .	Order appointing a joint committee on the petition of Samuel Cobb and others	June 3, 1767.
1004	1767-68 .	17 . .	Order accepting the report of the committee last named, and directing the referees to report at the next session	June 11, 1767.
1004	1767-68 .	19 . .	Order referring to a joint committee, the petition of the inhabitants of Shrewsbury Leg . . .	June 19, 1767.
1004	1767-68 .	22 . .	Order appointing a joint committee to build a light-house near Plymouth harbor	Feb. 24, 1768.
1004	1767-68 .	22 . .	Order appointing a joint committee to prepare instructions for the committee appointed, to build the lighthouse	Feb. 24, 1768.
1004	1767-68 .	22 . .	Order accepting the report of the committee last named and directing the manner of building the lighthouse	Mar. 1, 1768.

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Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
1005	1767-68	22	Order directing the impost officer to supply Plymouth lighthouse with oil, &c.	June 15, 1768.
1005	1767-68	22	Order appointing a joint committee to employ a light-house keeper, and instructing them to prepare an advertisement of the erecting of the lighthouse, and how to steer thereby	June 15, 1768.
1005	1767-68	22	Vote appointing a joint committee to take care of Plymouth lighthouse, and to repair and secure the same	Oct 20, 1770.
1006	1767-68	23	Order appointing a joint committee, on the New Hampshire, Connecticut, and New York boundaries	May 28, 1763.
1006	1767-68	23	Order accepting Hutchinson's report on the boundary controversies, and directing it to be sent to the province agent in London	Dec. 28, 1763.
1006	1767-68	23	Order referring to a joint committee the Governor's message and accompanying papers	Oct. 30, 1764.
1006	1767-68	23	Order granting compensation to Thomas Hutchinson, for preparing a statement of the boundary controversies	Nov. 2, 1764.
1033	1768	2	Order referring to a joint committee, the petition of South Hadley and the accompanying papers	Jan. 26, 1762.
1033	1768	2	Vote establishing a parish in the district of South Hadley, and defining its boundaries, upon certain conditions	Feb. 20, 1762.
1034	1768	2	Vote appointing a committee to ascertain the damage done to the frame of the meeting-house in South Hadley, and to determine the amount to be allowed the second parish, for their interest in the old meeting-house	June 12, 1762.
1034	1768	2	Order annexing Joseph and Josiah White and their estates, &c., to the first parish in South Hadley	Feb. 22, 1763.
1034	1768	2	Order of notice on the petition of the second parish in South Hadley	June 13, 1767.
1035	1768	2	Order appointing a joint committee on the petition of the second parish in South Hadley	Jan. 14, 1768.
1035	1768	2	Order referring to the committee appointed upon the petition of the second parish in South Hadley, a petition of inhabitants of the first parish, &c.	Jan. 18, 1768.
1035	1768	2	Order accepting the report of the committee last named, and appointing a joint committee to view the premises and settle the boundaries between the districts of South Hadley, and establishing the same as the boundary of the parishes	Jan. 20, 1768
1035	1768	2	Order accepting the report of the committee last named, and granting the petitioners liberty to bring in a bill	June 2, 1768
1035	1768	5	Orders of notice on the petition of Obadiah Dickinson and others	Mar. 17, 1767 June 9, 1767.
1036	1768	5	Order of notice on the petition of Nathan Chapin and others	June 1, 1768.
1039	1768	5	Order of notice on the petition of Samuel Stillman and others, and directing a stay of proceedings under this act	Nov. 15, 1770.
1043	1768	5	Order referring to a joint committee, the petition of Samuel Stillman and others	Apr. 17, 1771.
1046	1768	6	Order of notice to non-resident proprietors, on the petition of the inhabitants of Windham	June 2, 1767.
1046	1768	9	Order of notice to non-resident proprietors, on the petition of Charlemont	June 4, 1766.
1047	1768	9	Order appointing a joint committee on the petition of Charlemont	Feb. 6, 1767.
1047	1768	9	Order accepting the report of the committee on the petition of Charlemont, and granting a tax, for three years, of one penny per acre, and providing for the appropriation and recording of the same	Feb. 18, 1767.

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Page.	Acts relating to the general subject-matter: Year.	Chapter.	Subject of the vote, etc.	Date.
1048	1768	12	Order confirming resolve on the petition of Eldad Taylor and others, and appointing a committee	June 14, 1766.
1048	1768	12	Order on the petition of the town of Westfield, granting leave to withdraw	Mar. 10, 1767.
1048	1768	12	Order on the petition of John Ingersoll, granting him leave to bring in a bill	June 27, 1768.
			RESOLVES BY THE COUNCIL.	
118	1757-58	17	Resolve recommending the justices of the courts in Plymouth, Barnstable and Bristol, to continue actions and suspend executions, against Quakers, &c.	July 12, 1757.
784	1764-65	4	Resolve that all bills of exchange for moneys remaining in Mr. Mauduit's hands, be drawn upon him in London; and that the treasurer be directed to transmit him a copy of this vote	Jan. 29, 1765.
791	1764-65	28	Resolve requesting the Governor to direct the selectmen to number the persons in their respective towns and districts, &c., and to order the accounts thereof to be lodged in the secretary's office	June 15, 1763.
874	1765-66	25	Resolve accepting the report of the joint committee on the petitions of the first parish in Falmouth and of the selectmen of Cape Elizabeth, and vacating the joint declaratory resolve of Mar. 28, 1770	Apr. 26, 1771.
925	1766-67	5	Resolve declaring the answer of Judge Lynde, to the order in council of Feb. 19, satisfactory, and approving his conduct	Feb. 20, 1766.
			DECLARATORY RESOLVES OF THE COUNCIL.	
237	1758-59	22	Resolve that any inhabitant liable to train, neglecting to appear at muster, after warning, will be liable to the penalty in the act although he should have enlisted in other military service; and that such person so warned is not at liberty to enlist in any other service than that to which he is warned	Mar. 29, 1759.
			VOTES AND ORDERS OF THE COUNCIL.	
96	1757-58	7	Vote advising and consenting to a warrant for paying Samuel Chipman £22, 5*s*. 1*d*. for conveying Acadians from Salem to Sturbridge	June 4, 1757.
97	1757-58	7	Vote advising and consenting to a warrant for paying £573, 9*s* 7*d*. to the town of Methuen and twenty-eight other towns, for supporting Acadians	Dec. 6, 1757.
98	1757-58	7	Vote advising and consenting to a warrant for paying £62, 10*s* 7*d*. to the selectmen of Marblehead, for supporting Acadians	Mar. 8, 1758.
100	1757-58	7	Vote advising the Governor to object, to Governor Lawrence, against the coming of certain Acadians into the province	Dec. 4, 1758.
101	1757-58	7	Order directing the removal of Francis Meuse and family from Tewksbury to Danvers, there to be supported	Jan. 10, 1759.
102	1757-58	7	Order accepting report of the committee on the expense of supporting Acadians, and directing selectmen to conform themselves accordingly,	Apr. 18, 1759.

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Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
102	1757-58 .	7 . .	Vote advising and consenting to a warrant for paying £1, 9*s.* to Dr. Ezekiel Hersey for medical treatment of Acadians, at Hingham .	Nov. 3, 1759.
102	1757-58 .	7 . .	Vote advising and consenting to a warrant for the payment of £478, 2*s.* 9*d.* to the selectmen of the town of Boxford and fifteen other towns, to reimburse their expenses on account of Acadians	Jan. 29, 1760.
104	1757-58 .	7 . .	Vote granting liberty to Acadians who maintain themselves and families, to reside anywhere in the province	June 5, 1760.
104	1757-58 .	7 . .	Vote advising that sick Acadians in the transports be permitted to go on shore at Point Shirley .	Sept. 6, 1762.
104	1757-58 .	7 . .	Vote advising that the subject of Gen. Amherst's letter concerning the Acadians recently arrived, be referred to the General Court, and recommending the propriety of an assurance from Gen. Amherst that a commissary will be appointed to pay the expense, or that the province shall be reimbursed	Sept. 6, 1762
104	1757-58 .	7 . .	Vote advising the preparation of accounts of the expense of the province, and the transmission of the same to the agent, with a letter, to solicit reimbursement	Aug. 17, 1763
104	1757-58 .	7 . .	Vote advising that it is inexpedient to grant passports to Acadians desiring to go to St. Peter's, and approving the draught of a letter to the agent	Aug. 24, 1763.
105	1757-58 .	7 . .	Vote advising the Governor to recommend to the overseers of the poor in Boston, to inquire into the circumstances, and provide for the support of certain Acadians, &c., and to report to the Governor and Council; also to a warrant for paying said overseers £25 for the support of poor Acadians in Boston	Dec. 19 1764.
105	1757-58 .	7 . .	Vote advising that the overseers of the poor in Boston, be requested to continue their support of Acadians until the House of Representatives shall make further provision therefor . .	Jan. 23, 1765
106	1757-58 .	7 . .	Vote advising that the overseers of the poor in Boston supply the necessities of poor Acadians, there, belonging to other towns, and submit their accounts to the Governor and Council, with the list of the towns to which said Acadians belong	Oct. 3, 1765.
106	1757-58 .	7 . .	Vote advising and consenting to a warrant for the payment of £17, 11*s.* 10½*d.* to Royall Tyler for expenses on Acadians by order of the Governor and Council	Mar. 12, 1766.
106	1757-58 .	7 . .	Vote advising and consenting to a warrant for the payment of £14, 13*s.* 4*d.* to Benjamin Clark for house-rent for Acadians	Mar. 12, 1766.
106	1757-58 .	7 . .	Vote advising and ordering that the selectmen of Salem be directed to take care of Ann Meurs, an Acadian, and transmit their accounts therefor to the Secretary's office . . .	Oct. 21, 1767.
106	1757-58 .	7 . .	Vote advising and consenting to a warrant for the payment of £9, 11*s.* 5*d.* to the selectmen of Salem on account of Ann Meurs, an Acadian.	July 12, 1769.
109	1757-58 .	12 . .	Vote advising that public notice be required of petitions in bankruptcy	June 6, 1758.
118	1757-58 .	16 . .	Vote advising and consenting to a warrant for paying £400 to Jacob Wendell, for building barracks, &c.	Aug. 31, 1757
118	1757-58 .	16 . .	Vote advising and consenting to a warrant for paying £48 to Jacob Wendell, for building barracks, &c.	Mar. 9, 1758
121	1757-58 .	18 . .	Vote advising the printing and distribution of 500 copies of the act for regulating the militia	Feb. 14, 1758.

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121	1757-58 .	18, § 6 .	Vote advising and consenting to a warrant for paying £16, 13*s.* to James Otis for bayonets for Capt. Richard Baxter's company in his regiment	June 8, 1758.
121	1757-58 .	18, § 6 .	Vote advising and consenting to a warrant for paying £49 to Samuel White for bayonets supplied to the regiment of Col. Ephraim Leonard .	June 8, 1758.
121	1757-58 .	18, § 6 .	Vote advising and consenting to a warrant for paying £182, 2*s.* 8*d.* to John Ashley and others for bayonets supplied according to schedule annexed to the warrant	June 14, 1758.
121	1757-58 .	18, § 6 .	Vote advising against warrants for pay for bayonets unless the captain or chief officer exhibit particular accounts thereof	June 15, 1758.
121	1757-58 .	18, § 6 .	Vote advising and ordering that officers of militia make oath to their accounts of bayonets furnished their men	July 7, 1758.
121	1757-58 .	18, § 6 .	Vote advising and consenting to a warrant for paying £279, 13*s.* to Peter Coolidge and others for bayonets furnished their men	Oct. 9, 1758.
121	1757-58 .	18, § 6 .	Vote advising and consenting to a warrant for paying £58, 10*s.* to Nathaniel Coolidge and others for bayonets furnished their men . . .	Oct. 14, 1758.
121	1757-58 .	18, § 6 .	Vote advising and consenting to a warrant for paying £67, 18*s.* to Thomas Chute and others for bayonets furnished their men	Nov. 4, 1758.
128	1757-58 .	22 . .	Vote advising the granting of permits to vessels transporting provisions, &c , for the army .	Mar. 15, 1758.
128	1757-58 .	22 . .	Vote advising the granting of a permit to the schooner Young Eagle to transport provisions for the army, &c.	Mar. 15, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the sloop Adventure to transport carpenters and stores to Albany, for the army, &c.	Mar. 17, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the sloop Wilmot to transport recruits to Chignecto	Mar. 17, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the schooner Peggy to transport cordage to Halifax, for the navy	Mar. 17, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the brigantine Duke to proceed to Jamaica.	Mar. 17, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the ship Prince George to proceed to the West Indies	Mar. 17, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the schooner Elizabeth to transport provisions, tools, &c., to Portsmouth, for carpenters in the service, &c.	Mar. 18, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the sloop Cumberland, and another sloop, to transport artificers and materials to Chignecto	Mar. 18, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the schooner Rebecca to proceed to Madeira, &c.	Mar. 20, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the ship William to proceed to Lisbon, &c.	Mar. 20, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the schooner Fair Lady to proceed to the West Indies	Mar. 20, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the brigantine Charming Mollie to proceed to the West Indies	Mar. 20, 1758.
128	1757-58 .	22 . .	Vote advising and consenting to the granting a permit to the snow Union to proceed to the West Indies	Mar. 20, 1758.

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128	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Mary to proceed on a fishing voyage	Mar. 20, 1758.
128	1757-58	22	Vote advising the granting permits to vessels two-thirds laden, before the embargo, with perishable cargoes	Mar. 20, 1758.
129	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Abigail to proceed to the West Indies, &c.	Mar. 21, 1758.
129	1757-58	22	Vote advising and consenting to the granting a permit to the Brigantine Lynn to proceed to the West Indies	Mar. 21, 1758.
129	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Sarah to proceed to the West Indies	Mar. 21, 1758.
129	1757-58	22	Vote advising and consenting to the granting a permit to the snow Wellington to proceed to Nevis	Mar. 22, 1758.
129	1757-58	22	Vote advising the granting permits to vessels bound to Halifax with provisions and stores for His Majesty's service, &c.	Mar. 27, 1758.
129	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Industry to proceed to Halifax	Mar. 27, 1758.
129	1757-58	22	Vote advising and consenting to the granting a permit to the brigantine Antelope to proceed to the West Indies	Mar. 27, 1758.
129	1757-58	22	Vote advising and consenting to the granting a permit to the sloop Butterfly to proceed to Rhode Island, &c.	Mar. 28, 1758.
129	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Endeavour to proceed to Halifax with stores, &c.	Mar. 28, 1758.
129	1757-58	22	Vote advising against impressment of provisions, and embargo on vessels from the southern colonies	Mar. 28, 1758.
130	1757-58	22	Vote advising and consenting to the granting a permit to the snow Musketo to proceed to the West Indies	Mar. 29, 1758
130	1757-58	22	Vote advising the granting permits to return, to all vessels bringing provisions from the southern colonies	Apr. 1, 1758.
130	1757-58	22	Vote advising and consenting to the granting a permit to the sloop Speedwell to proceed to Halifax with provisions, &c.	Apr. 1, 1758.
130	1757-58	22	Vote advising and consenting to the granting a permit to the sloop Success to proceed to Connecticut, &c.	Apr. 1, 1758.
130	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Mayflower to proceed to Halifax with provisions, &c.	Apr. 1, 1758.
130	1757-58	22	Vote advising the granting permits to certain vessels to proceed on fishing voyages, &c.	Apr. 1, 1758.
130	1757-58	22	Vote advising the granting permits to all vessels, now in port, employed in the cod fishery, &c., to pursue their voyages; and also to all whaling vessels belonging to Nantucket	Apr. 8, 1758.
130	1757-58	22	Vote advising the granting permits to all sloops and schooners carrying provisions to Nova Scotia, upon certain conditions	Apr. 10, 1758
131	1757-58	22	Vote advising and consenting to the granting a permit to the sloop Susanna to proceed to New York, &c.	Apr. 15, 1758
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131	1757-58	22	Vote advising and consenting to the granting a permit to the ship Falmouth to proceed to the West Indies with masts, &c., for the navy	Apr. 24, 1758.
131	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Endeavour to proceed to Providence, &c.	Apr. 27, 1758.
131	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Broome to proceed to Lisbon	May 4, 1758.
131	1757-58	22	Vote advising and consenting to the granting a permit to the schooner Three Friends to proceed to Gibraltar	May 4, 1758.
131	1757-58	22	Vote advising and consenting to the granting permits to the following vessels to proceed on their voyages; viz, the ship Molineaux to the West Indies; the schooner Sea Horse to Newfoundland; the snow Thomas and Martha to the West Indies; the schooner Endeavour to Lisbon; the schooner Jolly Robin to South Carolina; and the brigantine Sea Horse to Maryland	May 9, 1758.
131	1757-58	22	Vote advising the granting permits to all fishing vessels manned by men belonging to certain regiments	May 12, 1758.
131	1757-58	22	Vote advising the granting permits to all vessels, upon the master, &c., giving bond, &c.	May 15, 1758.
131	1757-58	22	Vote advising the removing of the embargo	May 26, 1758.
132	1757-58	25	Vote advising a proclamation recommending all persons to conform to the requirements of the expired act providing for the reception, &c., of the troops, &c., and approving of the draught of the same	Sept. 8, 1758.
133	1757-58	25	Vote advising the issuing of warrants for impressing carts, oxen and horses for the service	Sept. 11, 1758.
133	1757-58	25	Vote advising the issuing of warrants for impressing horses for the service, &c.	Sept. 21, 1758.
138	1757-58	30	Vote advising and consenting to warrants for paying bounties to volunteers in the expedition against Canada	Mar. 27, 1758.
142	1757-58	34	Vote advising that orders be given to Col. Fowle to receive Gamaliel Smethurst into the service, and if he refuses to attend his duty there to commit him to Castle William	May 4, 1758.
142	1757-58	34	Vote advising a letter to the Governor of New Hampshire to secure persons on board the schooner Robin Hood	May 12, 1758.
142	1757-58	34	Vote advising against impressing arms, and that orders be given to induce soldiers to carry their own arms, &c.	May 19, 1758.
142	1757-58	34	Vote advising a proclamation respecting deserters	May 26, 1758.
142	1757-58	36	Vote advising and consenting to a warrant for paying £65, 6s. 8d. to Thomas Clap, for hiring men for the army, in lieu of Quakers	June 8, 1758.
142	1757-58	36	Vote advising and consenting to a warrant for paying £200, to James Otis, for hiring men for the army, in lieu of Quakers	June 8, 1758.
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227	1758-59	2	Vote advising the issuing a proclamation for apprehending deserters	July 25, 1758.
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229	1758-59 .	8 . .	Vote advising the Governor to direct the selectmen of Boston to obtain a list of the women, there, belonging to the army, in order to their being sent to New York and Halifax . . .	Sept. 26, 1758.
230	1758-59 .	8 . .	Vote advising that recruiting parties in the regular service, marching through the province, are included in the act for providing, &c., for the army	Dec. 5, 1758.
230	1758-59 .	8 . .	Vote advising that such parties ordered to any particular town, on said service, are also included in said act	Dec. 5, 1758.
230	1758-59 .	8 . .	Vote advising the Governor to issue a proclamation empowering selectmen to provide for the accommodation of such parties . . .	Dec. 5, 1758.
230	1758-59 .	8 . .	Vote advising and consenting to a warrant for paying £139, 7*s.* 6*d.* 3 *far.* to the selectmen of Boston for providing, in the almshouse, for women and children of the army; and £121, 13*s.* 7*d.* for providing for them in the workhouse; also £11, 7*s.* 8*d.* to Samuel Procter for his trouble with said persons in the almshouse; and £10, 8½*d.* to Joseph Lasenby for his trouble with said persons in the workhouse . .	Dec. 30, 1758.
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237	1758-59 .	21 . .	Vote respecting military musters and trainings . .	Mar. 21, 1759.
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352	1759-60 .	25 . .	Order referring the consideration of the petition of Samuel Stevens, to the next session . . .	July 11, 1761
363	1759-60 .	40 . .	Vote advising the Governor to inform officers of the provincial troops at Louisbourg, &c., of the contents of letters of Gen. Amherst, and to give orders to suspend enlistments . .	May 5, 1760.
363	1759-60 .	40 . .	Vote advising the Governor to give orders for completing the enlistment of 500 men . . .	May 17, 1760.
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632	1762-63 .	12 . .	Vote advising and consenting to a warrant for £9, 15*s.* 5*d.* to the town of Hopkinton	June 1, 1763.
634	1762-63 .	23 . .	Vote for a joint committee to revise the temporary laws,	Feb. 1, 1763.
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785	1764-65 .	7 . .	Vote refusing a second reading to a bill to empower the proprietors of a meeting-house in Newbury to raise money, &c.	Jan. 25, 1763.

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925	1766–67 .	5 . .	Vote advising the Governor to sign a bill for the repeal of the bankrupt acts	June 25, 1766.
926	1766–67 .	5 . .	Vote advising and ordering notice of the disallowance of the repealing act, to be published in the Massachusetts Gazette	Feb. 3, 1768.
927	1766–67 .	6 . .	Vote advising and consenting to a warrant for paying £10, 2*s.* 6*d.* to Sunderland	July 24, 1765.
927	1766–67 .	6 . .	Vote advising and consenting to a warrant for paying £7, 5*s.* to Grafton	June 19, 1766.
927	1766–67 .	6 . .	Vote advising and consenting to a warrant for paying £50 to Gloucester	Jan. 6, 1768.
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932	1766–67 .	10 . .	Vote advising the Governor to issue a proclamation requiring all justices of the peace and all civil and military officers, to apprehend any and all rioters, and promising a reward for the discovery, &c., of any rioter, and a pardon to such as should betray their accomplices	Aug. 15, 1765.
932	1766–67 .	10 . .	Vote advising that some other method than the appointment of a military guard, would be preferable for preserving the peace, and that the justices of the peace, and selectmen of Boston, be notified to appear, and be recommended to enforce the law	Aug. 15, 1765.
932	1766–67 .	10 . .	Vote advising and ordering the appointment of a committee to estimate the damages sustained through the conduct of the mob . . .	Aug. 27, 1765.
932	1766–67 .	10 . .	Vote advising the Governor to notify the colonel of the regiment, and the captain of the Cadets, in Boston, that their assistance would be needed to preserve peace in the town	Aug. 27, 1765.
932	1766–67 .	10 . .	Vote advising the Governor to order out four companies of the Boston regiment, armed and accoutred, to patrol the town, at night . .	Aug. 27, 1765.
932	1766–67 .	10 . .	Vote advising the Governor to order Col. Jarvis to guard the Custom House	Aug. 27, 1765.
932	1766–67 .	10 . .	Vote advising the Governor that it is not expedient to write to Gen. Gage or Lord Colville . .	Aug. 28, 1765.
933	1766–67 .	10 . .	Vote advising the Governor to issue a proclamation for apprehending the rioters of Aug. 26, and offering rewards for detecting their leader and others	Aug. 28, 1765.
933	1766–67 .	10 . .	Vote advising the Governor to direct the sheriff to inquire into the escape of rioters from prison,	Oct. 2, 1765.
933	1766–67 .	10 . .	Vote advising the Governor, that it is not his duty to issue his proclamation for the arrest of the escaped prisoners	Oct. 24, 1765.
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945	1766–67 .	10 . .	Vote advising and ordering the publication of notice in the Massachusetts Gazette, of the disallowance of this act	Oct. 15, 1767.
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98	1757-58	7	Resolve on the petition of Duncan Campbell, allowing him £5, 9*s.* 4*d.* to reimburse him his expense in transporting from Cambridge a number of Acadians	Mar. 20, 1758.
140	1757-58	33	Resolve remitting the value of stamps paid for, and unused at the expiration of the Stamp Act	Mar. 22, 1758.
782	1764-65	3	Resolve granting £26, 12*s.* to New Salem, and adding that sum to the next year's tax on Sunderland and Montague	Dec. 30, 1763.
782	1764-65	3	Resolve granting leave to the inhabitants of New Salem, to tax non-resident proprietors one penny per acre	Dec. 30, 1763.
784	1764-65	4	Resolve ordering the treasurer to draw bills of exchange, as by law directed	Jan. 29, 1765.
865	1765-66	18	Resolve remitting taxes laid upon Bernardston in 1763 and 1764, and laying the same upon other towns	June 11, 1765.
865	1765-66	18	Resolve remitting taxes laid upon Huntstown for the years 1762, 1763 and 1764, and laying the same upon other towns	June 11, 1765
865	1765-66	18	Resolve apportioning the tax for 1765, on Bernardston, Huntstown, Chesterfield and Charlemont	June 11, 1765.
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926	1766-67	6	Resolve for taxing several towns their fines, for not sending representatives	June 5, 1766.
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940	1766-67	10	Resolve that, in passing the bill for compensation and pardon, the house are influenced by a regard to the King's recommendation, a deference to the opinions of patrons of the colonies, in Great Britain, and by a regard for the preservation of peace and order, &c; and that their action is not to be drawn into a precedent	Dec. 5, 1766.
940	1766-67	10	Resolve condemning the action of the sufferers, for complaining to Great Britain rather than applying to the assembly here, for redress	Dec. 5, 1766.
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947	1766-67	17	Resolve directing the commissary general to execute the resolve of Feb. 15	Feb. 20, 1766.
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558	1761-62 .	28 and 29,	Order directing the attorney general to stay proceedings on the recognizance of Thomas Noble and Nathaniel Williams	Feb. 13, 1762.
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785	1764-65 .	7 . .	Order permitting the elders and members of the Presbyterian church in Newburyport to bring in a bill for taxing pews, &c.	June 4, 1764.
788	1764-65 .	13 . .	Vote on a petition of inhabitants of Gorhamtown, allowing the petitioners to prepare and report the draught of a bill	June 4, 1764.
789	1764-65 .	17 . .	Order of notice on a petition of the inhabitants of Middlesex	Feb. 8, 1765.
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791	1764-65 .	28 . .	Order for a joint committee to prepare an answer to the Governor's message	June 15, 1763.
875	1765-66 .	31 . .	Order for a joint committee on the petition of South Brimfield	June 16, 1763.
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948	1766-67 .	17 . .	Order appointing a committee to inquire into the circumstances of Michael Daigle . .	June 9, 1767.
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